

August 9, 2016

A regular meeting of the Hendricks County Area Plan Commission was held on Tuesday, August 9, 2016 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, President; Mr. Doug Sisk, Vice-President; Mrs. Sonnie Johnston; Mr. Bob Gentry; Mr. Walt O'Riley; and Ms. Angela Tilton. Member absent was: Mr. Damon Palmer. Staff members present were: Mr. Don F. Reitz, AICP, Secretary and Director of Planning; Mr. John Ayers, County Engineer; Mr. David Gaston, County Surveyor; Mrs. Julie Haan, Environmental Health Director; Mr. Tim Dombrosky, Senior Planner; Mr. Nicholas Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

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

Mr. Whicker called for approval of the July 12, 2016 Plan Commission meeting minutes.

Mrs. Johnston made a motion to grant approval for the July 12, 2016 meeting minutes.

Ms. Tilton seconded the motion.

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

Mr. Whicker then called for a motion to grant the continuances requested for sixty (60) days for the following matters:

MAP 634/16 (AMENDMENT): JDH PLAT, LOTS 3 & 6
WA 276/16: MAP 634 JDH PLAT, LOTS 3 & 6
DPR 453/16 (PRIMARY & SECONDARY): CAL-CAIT, LLC (JDH PLAT, PHASE 2)

Mr. Gentry made a motion to grant the foregoing continuances for sixty (60) days to the October meeting.

Mr. Sisk seconded the motion.

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

Mr. Whicker then stated that another continuance was being requested.

Mr. Mike Sells with Kruse Consulting, Inc. appeared and requested a continuance for thirty (30) days for the following matters:

MAP 247/16 (AMENDMENT): THORNHILL WOODS AT PRESTWICK, LOT 7
WA 278/16: MAP 247 THORNHILL WOODS AT PRESTWICK, LOT 7 – LOT DEPTH
WA 279/16: MAP 247 THORNHILL WOODS AT PRESTWICK, LOT 7 – SIDEWALKS

Mr. Sisk made a motion to grant a continuance of thirty (30) days for the foregoing matters.

Mr. O'Riley seconded the motion.

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

Mr. Whicker called for the public hearing item as follows:

ZA 442/16: GEORGE R. HARVEY & SON, INC.; a zoning amendment change from RB/ Single Family Residential District to LI/Light Industrial District, 4.8 acres, Center Township, S4-T15N-R1W, located along the west side of State Road 39, approximately 0.27 mile south of State Road 236. (Comer Law Office)

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Mr. Andy Kult of the Comer Law Office appeared along with the applicants, owners Dick & Fred Harvey and with the proposed purchaser, Performance Stone Works, Jeff Mallory & Chuck Damler. Mr. Kult then reviewed the location of the property along the west side of State Road 39 and south of State Road 236. He stated it was currently the location of the Harvey bridge construction business and was currently zoned RB/Single Family Residential. He then reviewed the surrounding zoning. He stated there was a long history of commercial light industrial use at the site. He stated in the 1960's it was the site of a Massey Ferguson tractor dealership. He stated it was also for a time the site of a solar panel business and also that it had been vacant for a time. He stated the Harvey family bought the property in 1987. He stated at that time the Harvey's had obtained a use variance because part of their business was to have outside storage. He stated in 1992 when a new zoning ordinance was adopted, the property was rezoned to RB. He stated that at the time the Harvey's had a perfectly legal use and then it became a legal non-conforming use. He stated in 2012 the Harvey's obtained a variance for an expansion to construct a lean-to for outdoor lumber storage. He stated that now the Harvey's wanted to sell the property and he discussed the type of business interested in purchasing the property, Performance Stone Works. He stated it was a marble/granite fabrication business. He stated they had seven (7) employees. He stated they used wet saws so that the operation did not create a lot of dust. He stated they would then collect the slurry runoff from that process which would be placed in a dumpster for disposal. He stated that they would accept orders, manufacture the product and then deliver to the customer. He stated the operation would not be retail in nature. He stated that they were aware that the development plan review procedure would apply to their project. He stated while they would be cleaning up the site, there were no drastic changes proposed or new improvements right away. He stated in addition to the rezoning request, they were also requesting that the development plan review be done administratively rather than formally. He summarized by repeating that there was a long standing non-conforming use with no use variance now allowed and that in order to sell the property, the owners were seeking a rezoning to bring the property into zoning compliance for a light industrial use.

Mr. Whicker asked for questions or comments.

Mr. Gentry asked Mr. Kult if the proposed operation would create a lot of noise.

Mr. Kult deferred to Mr. Mallory to respond to that question.

Mr. Jeff Mallory of 6190 East County Road 350 North appeared and responded to Mr. Gentry's question. Mr. Mallory explained the type of machines that would be used indoors with minimal noise generated.

Mr. Whicker commented that he understood that to mean all manufacturing would be indoors.

Mr. Kult responded that the saw operation would be contained inside the existing structure. He stated that the plan included the storage of materials outdoors which was allowed in the requested LI zoning district.

Mr. O'Riley asked about whether an adjoining property was part of the proposal.

Mr. Kult responded that it was not.

There being no further questions or comments, Mr. Whicker opened the public hearing.

Mr. Jack Lawson of 3891 West County Road 100 South appeared. He stated his interest in the proposal was due to his position as developer and owner of the subdivision property across the road. He stated the subdivision contained 130 lots, 100 of which were developed and 30 were not. He stated that the undeveloped Section 3 portion was in the process of planning for construction to begin. He stated he was not opposed to the current business being proposed but was concerned about possible future uses in the LI district. He then went through some of the uses that were allowed and that concerned him.

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Mr. Ken Chappell stated he had signed up on the wrong sheet.

Mr. Mike Eaton of 807 North County Road 200 West appeared. He stated he owned some surrounding property and he was also concerned about future uses for the site which he would find objectionable. He stated his ownership of approximately 300 acres around the site was a concern for future development. He then asked about the use of water in the proposed manufacturing process.

Mr. Jeff Mallory explained the process for water usage. He stated that the water used was put through a recycling process.

Mr. Eaton asked if the discharged water was drinkable.

Mr. Mallory responded that it would be like drinking dirty bath water.

Mr. Eaton replied that he had cattle on his land and all the water from the site would drain into the creek on his land and that the cattle would drink from that creek.

Mr. Mallory replied that there were no chemicals in the discharge.

Mr. Eaton stated that his concern was for any future use that might discharge pollutants into that stream.

There being no one else signed up to speak, Mr. Whicker closed the public hearing.

Mr. Kult then passed out a list of permitted uses entered into record as Petitioner's Exhibit A.

Mr. Kult stated that he had provided a copy of this list to Mr. Lawson and Mr. Eaton but they had not discussed it yet. He stated he understood their concerns about possible future uses for the site and he stated that he had gone through the list and recommended some deletions. He stated that the proposed user was okay with those deletions. He stated he had not yet received feedback on the deletions from Mr. Lawson or Mr. Eaton but that the list was what the proposed user would be agreeable to making into a recordable commitment for the record by prohibiting the more extreme light industrial uses allowed in that district.

Mr. Whicker then asked the members if they understood the commitment offered by the petitioner and he also asked Mr. Eaton if he had seen the list of uses to be excluded.

Mr. Kult commented that he believed the list of excluded uses was their good faith attempt to recognize the concerns of Mr. Lawson and Mr. Eaton.

Mr. Whicker asked for further questions or comments.

Mr. Sisk stated as a representative of the school districts in Hendricks County, he was concerned that there was a school very close to the proposed site as to any water running off into the ditches that might drain into the detention pond in front of the school.

Mr. Kult asked Mr. Mallory to address that concern.

Mr. Mallory explained the cutting process for granite. He stated they would be cutting a rock that came out of the ground and the process produced a slurry which was maintained in the shop through a trench that was pumped into a container that had a sock causing the slurry to filter down to sediment being captured. He stated the process was in three stages. He stated that some of the water would be reused for the equipment and the remainder would go into the drain and through the septic system. He stated at that point it was no more than dirty tap water.

Mr. Sisk then asked if there was anyone else who monitored that water.

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Mr. Mallory replied not to his knowledge.

Mr. Whicker suggested that since they were only considering the rezoning application now, if they received approval through the Plan Commission and Board of Commissioners, then there would be a development plan review where the water concerns could be addressed in detail with recommendations from the County Health Department.

Mr. Sisk also replied that his second concern for the schools were the number of permitted uses that would be remaining on the list.

Mr. Mallory then restated that there would be no harmful chemicals that might spill out onto the ground but was all contained inside the building and removed properly through the septic system.

Mr. Kult reminded the members that when making their motion, that they address the issue as to whether or not a development plan review could be done administratively.

Mr. Gentry then asked if the proposal was approved, what would occur if an excluded use was requested to be a permitted use again.

Mr. Kult stated that would require them to come back before the Plan Commission to get the approval to pull the excluded use off of the list with re-notification to surrounding property owners.

After further discussion, Mr. Whicker called for a motion.

Mr. Gentry made a motion to send a favorable recommendation to the Hendricks County Board of Commissioners and adopt the positive Findings of Fact/Law with the following conditions:

1. Petitioner's Exhibit "A" list of excluded uses permitted on this parcel; and
2. Requiring a Development Plan Review approval by the Hendricks County Area Plan Commission.

Ms. Tilton seconded the motion with Mr. Sisk voting against.

FOR – 5 –

AGAINST – 1 –

ABSTAINED – 0 -

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, August 23, 2016 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

HendricksCounty Area Plan Commission

Findings of Fact/Law

ZA442/16/: George R. Harvey & Sons, Inc.

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from RB/ Single Family Residential District to LI/Light Industrial District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the HendricksCountyGovernmentCenter.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:

(1) The comprehensive plan;

The Commission finds that the proposal does substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Suburban Residential uses on the Future Land Use Plan and High Intensity on the Land Use Intensity Map. However, the non-residential use proposed is similar in type to the historic non-residential uses on this site.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposal is consistent and compatible with the character of current structures and uses in the zoning district. The historical use on the site has been non-residential, specifically construction related.

(3) The most desirable use for which the land in each district is adapted;

The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The historical use on the site has been non-residential. The establishment of a commercial district will not substantially change the nature, intensity or character of the approved uses on this site.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The proposed use is consistent with the established non-residential use on this site.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. Although the Comprehensive Plan specifies suburban residential uses for the area, non-residential activity is well-established at this location and rezoning will not significantly change the site or surrounding area.

Also subject to Petitioner's Exhibit "A" list of excluded uses permitted on this parcel.

Also subject to requiring a Development Plan Review approval by the Hendricks County Area Plan Commission.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 9th day of August, 2016.

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DPR 454/16 (PRIMARY): WEST BRIDGE CHURCH ADDITION; a development plan review to construct an addition, 40.07 acres, Center Township, S16-T15N-R1W, located on the east side of County Road 75 West (Mackey Road), approximately 0.5 miles north of County Road 200 South. (The Veridus Group)

Mr. Adam Chester with the Aspen Group, Architects, 90 Executive Drive, Carmel IN and Mr. Josh Hogan, Veridus Group, 6280 North Shadeland, Indianapolis, appeared on behalf of the applicant.

Mr. Chester reviewed the location and history of the church property and the details of the site plan and the proposed addition to the church. He stated because the church was growing in membership, they had asked the Aspen Group to design a two-story addition. He stated the expansion would be to the east and rear of the existing church building. He stated they were also wishing to expand the current parking area by adding an additional 92 asphalted parking spaces. He described the drainage system planned for the site with the addition of a detention pond. He added that in the future, the church proposed to add a large sanctuary addition. He stated they were planning a major new septic system and were working with the Hendricks County Health Department. He summarized by stating this project had a long term master plan with a current addition proposed. He displayed photos of the current site and structure. He explained the elevations for the proposed addition using similar materials already used on the existing building.

Mr. Whicker called for questions or comments.

Mr. Sisk asked if any improvements to the road were being considered. He stated that roadway was in bad condition and he was concerned regarding increased traffic.

Mr. Ayers commented that for the expansion proposed, a traffic study was not required. He stated that the amount of traffic that would be generated by the church during the week was pretty low and the impact minimal. He stated that the operations of the church would not coincide with peak traffic times. He stated they could consider some tapers. Mr. Ayers stated he would look at the road conditions further.

Mr. Whicker then opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing.

Mr. Whicker asked for further questions. There being none, Mr. Whicker called for a motion.

Mr. Gentry then made a motion to grant primary approval for **DPR 454/16 (Primary): West Bridge Church Addition** subject to the conditions and recommendations in staff's letter dated August 2, 2016.

Mr. Sisk seconded the motion.

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

The conditions and recommendations in staff's letter were as follows:

DRAINAGE CONDITIONS:

Subject to Drainage Board approval and the conditions of the County Surveyor.

STAFF RECOMMENDATIONS:

1. The project engineer must provide an estimate of construction cost and post a performance guarantee prior to the issuance of an Improvement Location Permit.
2. This development is subject to the Non-residential Design Standards in the Hendricks County Zoning Ordinance.

3. The existing church building has exterior finishes including brick, aluminum storefront with glass and metal siding. The applicant is requesting to use the same materials for the addition as is used on the existing church which requires a modification of Section 8.3 H. 4. & 6. (HCZO) to allow the use of metal siding. The Plan Commission has the authority to approve this modification in accordance with Subsection 2.2(A)(17).
4. This property is not in an area served by a public wastewater treatment plant. A commercial on-site sewage system for this property and for the proposed use will have to be permitted and approved by both the Indiana State Department of Health and the Hendricks County Health Department prior to final Development Plan Review approval.
5. The applicant must contact the Indiana Department of Environmental Management Drinking Water Branch for technical assistance to comply with the requirements of 327 IAC 8 as a public water supply.
6. The applicant must address landscaping, lighting, signage and parking requirements prior to secondary approval.
7. Prior to secondary approval, additional drainage analysis will be required for the proposed detention basin.
8. Building elevations will be required prior to secondary approval.

CONDITIONS OF APPROVAL:

1. A properly executed County/Owner Inspection Agreement must be provided prior to secondary approval with all appropriate fees paid prior to the start of any construction.
2. This project is subject to the National Pollutant Discharge Elimination System (NPDES) General Permit covering storm water quality. Procedures there under are governed locally by the Hendricks County Stormwater Management Ordinance and corresponding Technical Standards Manual. An application, fees, construction plans, specifications and Stormwater Pollution Prevention Plan must be presented for approval to the Hendricks County Drainage Board separately from the application to the Hendricks County Area Plan Commission. Secondary Stormwater Approval for a plat, PUD or development plan must be obtained from the Drainage Board prior to Secondary Approval (or Approval in the case of minor plats) by the Plan Commission or its Administrative and Plat Committee. In addition, an Erosion Control Permit issued by the Hendricks County Surveyor is required for individual building lots prior to obtaining a Building Permit from the Planning and Building Department.
3. The Hendricks County Planning and Building Department must be notified at least seventy-two (72) hours prior to any site improvements being installed.
4. A septic system must be designed for these lots prior to building permit application to reflect the actual location and size. The initial review of the submitted soil analysis indicates that the soils are rated severe and that a septic system is feasible on these lots. Additional soil borings for each lot may be required at the time of septic permit application. Proposed subsurface drain outlet elevations are required on each lot prior to final approval.
5. The absorption field areas must be fenced in such a way that accidental crossing of the site with equipment is prohibited. This may be done by farm fence, snow fence, or other similar materials. Preservation of the absorption field areas is the responsibility of the developer and if these areas are not preserved it could make the lots unbuildable.
6. The applicant will have two (2) years from the date of approval to obtain an Improvement Location Permit/Building Permit. Should this two (2) year period elapse without the applicant having obtained the appropriate permit, the development plan approval will become null and void.
7. To obtain addresses, the applicant must submit a request to the Planning and Building Department. The Plat Address Information Sheet submitted with the plat application does not constitute a request for addresses.

8. Development plan approval does not constitute approval of signage unless such approval is expressly granted by the Plan Commission as part of this development plan. Signage review and approval is typically carried out as a permitting process separate from development plan approval.
9. No Improvement Location Permit/Building Permit shall be issued until any plat associated with Secondary Development Plan Review has been recorded.
10. A State Plan Release is also required for multifamily, residential and non-residential (commercial and industrial) projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.

Mr. Whicker then indicated that ended the regular portion of the hearing and that the next matter would be a special hearing on the following matter. He stated that the County Attorney, Mr. Greg Steuerwald would explain the rules for this discussion. Mr. Whicker stated that public comments would be allowed after the presenter representative spoke and comments would be restricted to three minutes or less. He asked that concerns be concise and not repetitious. Mr. Whicker also added that any letters of concern or support that had been submitted previously had been distributed to each member for review.

Special Event Permit Review: To permit a motocross and all-terrain vehicle racing event with associated activities such as camping and food vending on approximately 180 acres of ground, located in Marion Township, on the north and east sides of State Road 75, between County Road 350 North and County Road 400 North. This is a temporary event proposed to occur over the weekend of October 15 and 16, 2016.

Mr. Steuerwald gave a short review and explanation of the proposed special event permit and stated that typically it would be an administrative decision by the Hendricks County Planning Department. He stated that because of the public interest in the matter, the Planning Director, Don Reitz, decided to ask the Plan Commission to make the decision. He stated that our ordinance did not have a process by which we would be lead on how to proceed. He stated at the last Plan Commission meeting in July, it was decided that even though the ordinance did not call for it, neighbors would be given notice similar to a regular plan commission hearing requirement, and also by giving the public a chance to be heard. He added that it was over and above what the ordinance called for and was being offered because of the interest in this special event permit.

Mr. Whicker then asked the presenter for the permittee, Eric Wathen, to come forward to present the details of the special event.

Mr. Eric Wathen, of 1194 West County Road 950 North, Lizton, appeared on behalf of the property owner, Mr. Jim Williams. Mr. Wathen distributed to the members some letters written by children that participated in the motocross events, a letter from the Indiana Division of Forestry, a map of the proposed parking areas and a draft letter to law enforcement regarding the event. Mr. Wathen went on to say that he felt some of the concerns were due to a lack of understanding as to what cross country racing was all about. Mr. Wathen then went on to explain that motocross racing was one of the most popular sports in the country practiced by millions of people and the racing was done professionally and through local and state series allowing amateurs to compete. He stated that it was a physically challenging sport. He stated that the professional motocross athletes were some of the best conditioned athletes in the world. He commented that it was just like any other sport in that people enjoyed attending events and cheering on their favorite participants. He stated that he had noticed some differences with this sport as compared to other sporting events. He added that his sons raced in these events and that he used to race himself. He stated that in these events, you would not see parents yelling at referees or at their kids. He stated what you did see was a lot of team atmosphere with everyone ready to help out any of the participants when problems arose during the racing. Mr. Wathen then discussed some of the benefits of off road racing. He stated it provided exhilarating non-violent entertainment, promoted friendships and family relationships and provided mechanical skills and critical thinking. He added that it allowed children

to observe their heroes up close and encouraged strong work ethic along with promoting health and exercise. He commented that participation in these events helped his children personally as to winning graciously and accepting losses with dignity as well as learning respect for authority figures, learning personal responsibility and playing fairly while obeying the rules. He stated that while adults did race also, kids were about one-third of the population that participated in motocross racing. He stated while the races were sponsored by private corporations, they did use private land on which to hold the events, and most of the people working the events were volunteers. He added that the event proposed along with another series sponsored the "Riley Miracle Ride" which had raised over \$40,000.00 for Riley Hospital already. He commented that off road racing offered a positive alternative to drugs and alcohol for today's youth as you had to be in top physical condition to participate in these events. He stated that the proposal for the event in question was for one racing event to be held on one weekend. He stated that for these events typically participants and spectators would begin arriving mid-afternoon on Friday of the racing weekend with everyone being gone by Sunday evening. He stated this event was for a single racing event on one weekend in October. He then addressed the concerns expressed regarding parking for the event. He estimated that there would be approximately 2,500 people in attendance over the event weekend. He reminded everyone that although that sounded like a lot of people, they would be entering and leaving at different times. He stated that there would probably be around 300 to 400 cars parked in the lot at a time. He stated that the ATV's raced on Saturdays and the dirt bikes raced on Sundays and that meant that some people would arrive on Friday and be leaving on Saturday night. He then discussed the waste removal needs for the site. He stated that all of the campers had to carry their own tanks and go dump them. He stated there would be porta lets provided and usually eight to twelve per race event. He stated that dumpsters were provided for trash disposal. He stated that mostly the rule was what you carry in, you carry out. He stated that after one of these events, all you would see would be burnt out campfires and nothing else. He stated that since the property was private, people were expected to show respect for the land or they would find themselves not welcomed back. He stated there were no provisions for grey water. He stated that noise was also a concern expressed. He stated that all machines had silencers and machine decibels could not exceed 99. No whistles, bells, etc. were allowed. He stated that portable sound devices were used to announce the start and end of races, as well as information passed on during the week. He stated the sound system was usually located in the middle of the track. He stated that races were usually over by 3:00 p.m. and absolutely no riding allowed after dusk. He stated that there was usually four hours of racing on Saturday and three hours of actual racing time on Sunday. Mr. Wathen then went into greater detail on sound decibel levels and how calculated. He stated that the benefit of the property being wooded, also buffered the sound levels for surrounding properties. He also discussed lighting concerns and stated there would be no electricity available and the campsites were primitive. He stated the event did help the local economy as there would be six to eight vendors onsite. Local businesses would see an increase in business during the event weekend. He stated that the racing organization showed their appreciation and support for the community by making a charitable donation to a selected charity in Hendricks County. He then mentioned the concern regarding erosion and water quality issues. He stated that the landowners were farmers and understood the importance of erosion control and maintaining water quality. He stated there would be some soil erosion caused by this event. He explained that if you went back a year after an event took place, you would see that the land had reverted back to its natural state. He stated that as part of the process, Mr. Williams had contacted Brenda Huter of the Indiana Division of Forestry. He stated that part of the land was in a forest preserve and wildlife preserve. He reviewed the letter submitted by Ms. Huter with her recommendations and requirements. He discussed traffic and stated that signs were posted within a mile of each entrance. He stated the race provided entrance signs and cones. He stated that the Hendricks County Sheriff's Department would be directing traffic during the event. Mr. Wathen then submitted a large aerial view of the site with markers showing the parking and racing areas, entered into record as Petitioner's Exhibit "A." He added that the farmers were hoping to supplement their income from a non-farm source. He added that 15% of the racers in these events were from the local area. He ended his presentation and asked that the members approve the special event permit.

Mr. Whicker then thanked Mr. Wathen and called for questions or comments from the members.

Mrs. Johnston asked Mr. Wathen how they planned to abide by the first and second recommendation in Ms. Huter's letter from the Indiana Division of Forestry.

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Mr. Wathen responded that the trails were marked by arrows. He stated that the racers were expected to stay on the marked trails. He stated if a racer crashed or went off trail, they were allowed to get back without going any further off trail than twenty-five feet. He stated any other deviation would disqualify a racer. He stated they were not allowed to run down the creek but to cross over only. He stated that after the race, Mr. Williams would go in and re-establish the growth with a native mix of plants.

Mr. David Gaston, County Surveyor, stated that there were multiple streams on the property. He stated that at least one of them had a pretty large upstream watershed. He asked what the Indiana Department of Natural Resources (IDNR) said about the motorized vehicles crossing the streams and if there were permits required from IDNR or IDEM.

Mr. Wathen responded that he did not know the answer to that question but that he would find out.

Ms. Tilton asked if the trails went over the streams or across them.

Mr. Wathen stated that the vehicles crossed in the streams and that was the normal for all events.

Mr. Sisk commented that there appeared to be a tight gap on the time that the racing actually was conducted. He stated that left a lot of downtime and he questioned if the racers ran their vehicles when the racing was not being conducted. He asked if there were rules about going onto the roads with these vehicles or onto other parts of the property.

Mr. Wathen responded that if a participant was not racing, they were not allowed to ride their vehicles anywhere else on or off the property. He stated that they would allow adults with golf carts to drive to and from racing start lines. He stated it was illegal to ride those types of vehicles on Hendricks County roads. Mr. Wathen stated that this sport was expensive and would cost a participant thousands of dollars. He stated he had never seen any of the racers violate the rules. He stated when these racers used their vehicles for racing they used all of the protective gear and helmets needed.

Mrs. Haan asked whether or not fees were charged for camping.

Mr. Wathen stated that an event fee was charged when entering but that camping was free.

Mrs. Haan then stated that Mr. Wathen had mentioned food vendors.

Mr. Wathen stated that there would be food type trucks and that he had seen in the past those vendors inspected by local health departments.

Ms. Tilton then asked how long the trails were.

Mr. Wathen mentioned that the pee wee trail for 7 year olds & under was a mile and one half, the mid size trail for 8 to 15 years old was 3 ½ to 4 ½ miles long and the adult trail depending on the amount of land available could be 5 to 7 miles long.

Mr. Gentry asked if the property was being developed for permanent events or just this one event.

Mr. Wathen stated it was for one special event held on one weekend. He stated he believed the owners might have wanted to create some type of permanent track but that had not been pursued. He stated if that had been the case, a development plan would have been applied for and presented to the plan commission.

Mrs. Johnston asked how many acres were involved in this event.

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Mr. Wathen responded that approximately 180 acres would be utilized for the event.

She asked if there was more land around it for buffering.

Mr. Wathen stated no.

Mr. Whicker asked for further questions or comments from the members or staff. There being none, Mr. Whicker stated that they would begin taking comments and concerns from the audience. He reminded the speakers to be concise and not repetitive and to hold their remarks to three minutes.

The following persons appeared and their concerns and comments were heard:

1. Angela DeBello, 4272 North State Road 75, North Salem;
2. Wanda Spears, 8340 West County Road 400 North, North Salem;
3. Michele Harris, 620 West County Road 200 North, Danville;
4. Douglas Harris, 620 West County Road 200 North, Danville;
5. Sherry Alberding, 7450 West County Road 400 North, North Salem;
6. Kenny Williams, 50 Lincoln Hills, Coatesville;
7. Wilma Stoughton Williams, 8430 Charter Oaks, Indianapolis
8. Jim Reed, 4036 North State Road 75, North Salem;
9. Jennifer Reed, 4036 North State Road 75, North Salem;
10. Abraham Athialy, 3841 North State Road 75, North Salem;
11. Steve Miller, 2613 North State Road 75, North Salem;
12. Melanie Jones, 4758 West County Road 200 North, Danville;
13. Seth Athialy, 3841 North State Road 75, North Salem;
14. Ann Wathen, 1194 West County Road 950 North, Lizton;
15. Ken Czapl, 5329 Abington Avenue, Plainfield.

The following concerns, negative and positive comments were made:

1. Concern of a potential permanent racing site being developed;
2. Incidents that occurred at another race near North Salem for which a special event permit was not obtained and police reports of incidents occurring at that event;
3. Allegations of improper behavior by individuals associated with racing event toward a local citizen with alleged slanderous comments and harassment of said person and family members;
4. Alleged alcohol abuse and fighting during previously held event near North Salem;
5. Request for in depth review before making decision on approving the requested permit;
6. Impact on environment, creeks and watershed;
7. Excessive noise concerns and impact on enjoyment of property owners land, livestock and pets;
8. Traffic concerns on local roadways due to event;
9. Erosion and pollution of creeks and watershed and impact on endangered species;
10. Use of alcohol during event;
11. Length of time for police to be able to respond to an emergency at the event;
12. Trespassing on adjoining property;
13. Presence of EMT at the event for emergencies;
14. Impact of motorized vehicles on creeks due to leaking gasoline or motor oil and other vehicles on property;
15. Cleanup of trash on highway generated by race visitors;
16. Local fire authorities notified of campfires on property;
17. Safety on roads during the event due to it being harvesting season at time of event with farm equipment travelling on said roadways;
18. Cleanup of property after event;
19. Notification done to IDNR and/or IDEM
20. Support for racing industry and family oriented sport;

21. Plan for permanent racing site abandoned by Mr. Williams.

There being no one else signed up to be heard, Mr. Whicker closed the public discussion time.

Mr. Whicker allowed Mr. Wathen to respond to the concerns of the speakers.

Mr. Wathen stated that there were several concerns and he would try to go down the list and address them all. He began with stating that this would be a single event and that he had no financial interest in the event. He stated that friends had asked him to attend this meeting and make this presentation on their behalf. He stated he was, however, speaking as a person who had attended 31 of these events in the past. He stated that many of the concerns he had heard were things that he believed people thought might happen. He stated that in all the events he had attended he had only seen the police called out one time and that had happened two weeks ago at the previous event and was due to a domestic dispute. He stated that could happen anywhere and the fact that it had happened at the race was unfortunate. He stated he wanted to apologize for the terrible things people say on social media. He stated as a public figure himself, he had experienced similar remarks not only to his face but to his wife and children and posted on social media and by phone calls. He said it was a terrible experience that no one should be put through but it was the social media of today and could not be controlled. He went on to say that as far as security concerns, there would typically not be a police presence at an event. He stated, however, that there were numerous policemen who did race at these events. He stated as far as EMT personnel, there was a crew that attended these events who were specifically trained for emergencies at these events and were present the entire race weekend. He stated that there were also numerous volunteers on the track keeping an eye out for any accidents or injured participants. He then addressed the issue of the property being beautiful and pristine. He stated that he attended races all over the state and that there were approximately thirty (30) private properties that owners allowed to be used for racing events and all these properties were beautiful. Mr. Wathen then addressed the noise concerns and stated that people compared the event to the noise generated by IRP. He stated the motocross events were far below the noise levels of racing events such as created by the IRP. He commented that he had heard a lot of concerns about harmful effects to animals and he understood those concerns. He stated that the majority of the private properties that are used for these events are farm and pasture ground. He stated that the farmers will confine their animals during these events. He stated he understood the concern regarding the mentioned specialty animals and that he was not sure if the noise generated by these events would be harmful to them. He stated that it was mentioned that there were also a lot of adults present at these events and he agreed but also mentioned that these were mainly family oriented attendees and racers. He stated that there were not very many sporting events that allowed you to compete along with your children. He then addressed the concerns about State Road 75 being too narrow. He stated that was something you would see all the time during these events as they were usually accessed off of state roads. He mentioned, however, that in Hendricks County, the State Roads were usually straight perpendicular lines which was not the case in many rural areas where the roads were much narrower and in worse condition. He then addressed the concerns regarding alcohol use. He stated when you get that many people together, adult did like to partake of alcoholic drinks but he stated in all the 31 races he had attended, he could count on one hand the number of people he had seen that would be considered intoxicated. He stated he did not know any statistics on that matter but he was reporting just on what he had observed at the events. He stated he felt that the people who attended the races would be less inclined to over imbibe considering that the events required early rising and being in good physical condition to participate. He also mentioned that there were no alcohol sales at these events. He went on to state that people had asked why the event was being promoted prior to obtaining a permit. He stated the reason for that was the races were planned as a series and most racers wanted to know when the next series would take place and where. He stated that allowed them to plan out their entire seasons. He stated that sometimes races were cancelled for one reason or another and that they had to be planned in advance in order for people to plan their seasons around them. He mentioned that one concern was regarding creating a racing track and then tearing it down. He stated that the races were generally on natural terrain and there was nothing constructed to tear down. He then stated that as far as he knew, there were no permits required for camp fires. He stated, however, that he had been to events where there was a burn ban with no fires allowed but he did not know of any permits required. He then addressed the comment regarding people throwing their trash out of car windows onto the highway.

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He stated it was his experience living out in the country as he did that that was an issue all the time with just people living there. He stated he believed that was something that this event would not contribute to as he believed it was ingrained in the camping attendees to take all of their trash with them when they left. He stated that there was not typically a dumpster on site and that he always kept his trash bags in his vehicle and disposed of them at his home. He then addressed the issue of public safety again by relating that his children were involved in other sports as well. He gave an example of soccer game attendance at Tri-West High School which involved about 200 players which he estimated would involve family members of about 400 persons. He stated that would be about 600 people per hour & one-half time period. He stated assuming over the course of the events there would be a lot of cars going in and out without any traffic control and it all seemed to work out well. He ended his remarks by again stating that he was sorry for any misunderstandings and was sure it was mostly due to hearsay on both sides of the issue. He again requested that the permit be granted for the venue proposed and stated he appreciated the members' consideration on the matter.

Mr. Whicker thanked Mr. Wathen.

Mr. Gentry then stated he wanted to make it clear as to the fact that it was said that he was in the area negotiating on the matter and he wanted to assert that was not true. He stated that he had been called by someone to go there and to hear and listen to what the residents were saying and to gather information. He stated he wanted to make that clear before they continued with any decision. He added that he was also on the record at a Board of Zoning Appeals meeting being against permanent structures being allowed for events.

Mr. Whicker thanked Mr. Gentry for that clarification and went on to remind the members that any vote would need a majority to pass. He stated that they were also short one member who was not present. He added that there being six present, it would require four votes in favor or against. He stated if it was a tie vote, it would be continued until next month's meeting with the full seven members present.

Mr. Steuerwald stated he wanted to clarify for all that four affirmative or negative votes would be required for a motion to either grant the permit or deny it and that a tie vote of 3-3 would require that the matter be continued.

Mr. Whicker added for clarification that he would not be making the motion.

Mrs. Johnston then made a motion to grant approval for the special event permit.

Mr. Gentry stated he would second it with some stipulations attached. He then gave his conditions of approval.

Mr. Whicker clarified that there was a motion and a second for approval with discussion.

Mr. Gentry then asked what caveats could they impose.

Mr. Reitz responded any reasonable conditions.

Mr. Steuerwald responded that inherent in any process reasonable conditions could be imposed.

Mr. Gentry then went on to suggest that if the cyclists removed baffles from their machines, they must reinstall them. He went on to say that the event planners must contact fire and rescue and he urged them to make a significant contribution to Eel River Fire and Rescue and he asked that the fire and rescue have a presence at the event to supplement the EMT on site. He stated that apparently had not been the case at the previous event. He added if dust was a problem at the site, he would ask that Eel River Fire be able to water down the tracks to mitigate dust. He then went on to mention the farm equipment on the roads at that time of year. He stated that there must be some way to escort these farm vehicles on the roads to make it safe for them and the other vehicles to pass by them on the two-lane roads in that area. He added that the combines would not be able to move over safely to allow vehicles

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to pass them. He asked that the event planners had a way to address all the event goers regarding the safe way to handle farm equipment traffic on the road by being patient and courteous and realizing that there would be situations where those farm vehicles could not be passed safely. He also added that all be aware that farming semi-trailers required a large turning radius. Mr. Gentry added that his second for approval of the motion had to contain the aforementioned caveats.

Mr. Whicker then responded for clarification purposes, Mrs. Johnston had made the motion and Mr. Gentry made the second attaching the conditions to it. Mr. Whicker stated he would need Mrs. Johnston to either amend her motion to include those conditions or to withdraw her motion and Mr. Gentry would then need to make the motion with his conditions.

Mr. Gentry agreed with either of those clarifications.

Mrs. Johnston then withdrew her motion to approve.

Ms. Tilton then added that she would like the event planners to look into whether State or Federal permits might be required for the event as related to the streams on the property.

Mr. Whicker then asked Mr. Gentry if he would be willing to make a new motion.

Mr. Gentry stated yes and added that he realized this was new territory as to an event being held during the harvest season.

Mr. Gaston reminded Mr. Gentry that there would be state or federal permits required from the Army Corps of Engineers, IDNR and/or IDEM as pertained to the waterways on the site.

Mr. Gentry then made a motion to grant approval for the special event permit subject to the following conditions:

1. All of his previously stated conditions along with any applicable Federal, State or local permits.

After some further discussion, Mr. Gentry asked how they were going to address specific items if they were not in the motion and, in particular, he was concerned about the event being held during harvest season out in that farming community.

Mr. Reitz commented that it would be the applicant or the organizer who would be responsible for the safety issues.

Mr. Whicker agreed and repeated that they would also be responsible to make sure they had all state, federal and local permitting.

Mr. Gaston stated Mr. Gentry's motion was making the approval subject to all applicable federal, state and local permits. He asked how long it would take to receive those permits. He asked Mr. Wathen to respond.

Mr. Wathen stated he did not know what was required or how long it would take if any permits were required.

Mr. Whicker commented that Mr. Gentry would need to somehow structure his motion to express his concern regarding the traffic safety during the event.

Mr. Gentry stated he did not know how to set that out other than to say provide an escort for farming machinery at the time of the event. Mr. Gentry then stated that he was going to back out of the motion as it had become too convoluted.

Mr. Whicker then stated that there was now no valid motion on the floor.

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After some further discussion, Mr. Gentry then attempted another motion for approval subject to conditions that any necessary permits are investigated or sought after and his safety concerns for the roadways are addressed.

Mr. Steuerwald commented that he would not know how to enforce those conditions.

Mr. Whicker commented that the burden would rest with the promoter. Mr. Whicker then asked if anyone else wished to attempt to make a motion.

Mr. Sisk then made a motion to deny granting the special event permit based on the time of year.

Mr. O'Riley seconded the motion.

FOR – 3 – AGAINST – 3 – ABSTAINED – 0 –

Mr. O'Riley – Yes

Mrs. Tilton – Yes

Mr. Sisk – Yes

Mrs. Johnston – No

Mr. Gentry – No

Mr. Whicker - No

The motion did not carry due to lack of a majority.

Mr. Gentry then asked if the petitioners addressed the concerns expressed by the members, could they return to request another vote at the September meeting.

Mr. Steuerwald responded that as in all other cases, if a majority vote could not be obtained, then the matter would be unresolved and could be continued to the next meeting and the seventh member who was not present could listen to tonight's meeting minutes and be prepared to add his vote at the next meeting.

After further discussion, the matter was continued to the September 13th meeting for another vote.

Mr. Whicker then thanked all in attendance for their patience and repeated to them that the matter was unresolved and would be heard again for a vote at the September 13, 2016 meeting.

Mr. Whicker then reminded the members that there were two remaining items on the agenda for discussion, being Sidewalks and the State Road 39 Corridor Plan. He stated that these will be added to the agenda for next month's meeting.

Mr. Reitz stated that the State Road 39 Corridor Plan would be advertised and presented at the September meeting for a public hearing.

Mr. Gentry then asked if there was a way that the members could begin receiving the staff letters for the Administrative & Plat Committee meeting to inform them of what was being decided on at that meeting each month.

Mr. Reitz asked Mr. Gentry if he would like to receive a copy of that packet each month.

Mr. Gentry stated yes. He stated that even though the Committee was created to alleviate the Plan Commission's burden, he felt it would be a good idea for the members to be aware of what was happening with the other plats and development plans up for approvals at that meeting.

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Mr. Whicker then introduced to the members the new member of the Planning Staff, that being Mr. Tim Dombrosky.

There being no further business, Mr. Whicker then adjourned the meeting at 9:17 p.m.

Don F. Reitz, AICP, Secretary