

June 13, 2017

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, June 13, 2017 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; Mrs. Sonnie Johnston; Mr. Tim Whicker; Mr. Walt O'Riley; and Mr. Bob Gentry. Members absent were: Mr. Damon Palmer and Ms. Angie Tilton. Staff members present were: Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. David Gaston, County Surveyor; Mr. Nick Hufford, Planner; and Mrs. Joanne Garcia, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were five (5) members present.

Mr. Brad Whicker then called for a motion to approve the May 9, 2017 Plan Commission meeting minutes.

Mrs. Johnston then made a motion to approve the May 9, 2017 meeting minutes.

Mr. Gentry seconded the motion with Mr. Tim Whicker abstaining.

FOR – 4 – AGAINST – 0 – ABSTAINED – 1 –

Mr. Whicker advised that the first item on the agenda, namely, **DPR 458/17 (Primary & Secondary): Wings, Etc.** had withdrawn their application at this time and that no further action would be taken.

Mr. Whicker then called for the first public hearing item on the agenda as follows:

ZA 447/17: NDZA, INC.; a zoning amendment change from MI/Major Industrial District to LI/Light Industrial District 1.67 acres, Guilford Township, S20-T14N-R2E, located on the west side of Union Mills Drive at the intersection with East Hendricks County Line Road, more commonly known as Lot 74, Heartland Crossing Business Park, Section 1. (David I. Kingen/NDZA, Inc.)

Mr. David Kingen of NDZA, Inc., 618 East Market Street, Indianapolis, appeared along with Ms. Heidi Brumback of Hoosier Equipment Service, Inc., 8149 Network Drive, Plainfield. He stated that the proposed rezoning to LI would be consistent with the Hendricks County Comprehensive Plan. He reviewed the surrounding zoning and stated that the LI zoning was appropriate for the area. He stated that the rezoning represented responsible development and growth and he reviewed the location of the property. He gave a brief history of the business operating at the site, Hoosier Equipment Service, and stated that there were sixteen (16) full time employees. He explained that the present location of that business was 8109 Network Drive on leased premises and that the company wished to be located in their own facility. He explained the different types of services that the company provided and he displayed a site plan and photos of the facility. He reviewed the parking lot and entrance to the facility off of Union Mills Drive. He stated that outdoor storage had been prohibited in the MI zoning district and that the applicant needed outdoor storage which was allowed in the LI District. He displayed photos of the site and pointed out the location of the proposed outdoor storage to be utilized by Hoosier Equipment Service. He stated that a portion of the outdoor storage area was screened and they planned to complete the screening for the entire outdoor storage area as required by the ordinance. He then submitted letters of support from residents in the area that were entered into the record.

Mr. Whicker then opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing and asked for further questions or comments.

Mr. O'Riley asked about the amount of outdoor storage planned for the site and the screening.

Mr. Dombrosky stated he had spoken to the Petitioner about how they planned to meet the ordinance requirements as to the screening of the outdoor storage area. He added that the current

outdoor storage on the site had not been approved and had been put in illegally and had persisted for some time. He stated that they had never received any complaints about this outdoor storage. He stated that the property was currently zoned correctly but that there had been commitments that did not allow that outdoor storage.

Mr. O'Riley asked about the amount of outdoor storage that would be allowed.

Mr. Dombrosky stated they had not discussed increasing the size of the storage yard.

Mrs. Johnston asked about the staff comment as to equipment and material left in the front yard and front drive.

Mr. Dombrosky responded that the company currently operating there is an electric company that did different types of utility work and that there were poles in the front yard as well as a dumpster and these things should not be there. He stated when the new owner transitioned over, they planned to clean those things up and if not, it would be treated as any other violation. He stated that he felt the site looked fairly nice with landscaping that had grown up over time and provided good screening. He added that the support letters submitted from the neighbors were also a good thing.

Mr. Whicker asked for any further comments or questions. There being none, Mr. Whicker called for a motion to send a recommendation to the Board of County Commissioners on this matter.

Mr. Gentry made a motion to send a favorable recommendation and adopt the positive Findings of Fact/Law for **ZA 447/17: NDZA, Inc.** to the Hendricks County Board of Commissioners.

Mr. O'Riley seconded the motion.

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

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, June 27, 2017 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 446/17: NDZA, 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 M1 to L1. 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 Hendricks County Government Center.

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 Mixed Use. The Light Industrial designation will fit the current and future use of the area.

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

The Commission finds that the proposed use will not negatively impact the district due to its similarity to the current use and the lack of proposed physical changes.

(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, as identified in the Comprehensive Plan.

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

The Commission finds that the proposal does conserve property values in the jurisdiction by reusing an existing business with only slight modification.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth by ensuring proper screening and location of a land use with possible negative impact.

ZA 448/17: I-70 WEST, LLC; a zoning amendment change from AGR/Agriculture Residential District to PB/Planned Business District, 92.65 acres, Liberty Township, S26,35-T14N-R1W, located on the east side of South County Road 100 East, west of State Road 39 and south of East County Road 900 South. (Studio A of Indianapolis, Inc.)

Mr. Max Mouser of Studio A of Indianapolis, Inc. and Mr. Ken Kern of I-70 West, LLC appeared. Mr. Mouser reviewed the location and history of the site and described the existing structures on the displayed site plan. He then pointed out the property in question which was a little over 92 acres. He pointed out a small stub street access with a fifty (50) foot access to County Road 100 East. He stated they were not looking for access to County Road 100 East. He stated the intent of the project was to continue the PB zoning north as part of the I-70 West Commerce Park. He pointed out the current access road and one that stubbed up to the next building north and there were two building sites for 600,000 square foot warehouse buildings. He stated that all public utilities as far as water, sanitary sewer, etc. were all available from Innovation Boulevard which would be extended to the north. He stated that no additional transportation requirements were needed as Innovation Boulevard was constructed for traffic. He stated that they were not seeking any variances at this time but just the rezoning.

Mr. Whicker asked for questions or comments from the members or staff. There being none, Mr. Whicker opened the public hearing.

Mr. Jack Elikor of 9514 South County Road 100 East, Clayton, appeared. He stated that his property touched the proposed site for the rezoning. He stated he had several concerns about this petition. He wanted it known that the date, time and location for this meeting was not given in the notification letter received from the petitioner. He stated he had a concern of any warehouse being built near where his children played. He stated he recommended that any development of the property contain a notable distance from any residential properties and he also recommended strongly that light and noise be taken into account. He added that he could hear the noise from the existing building 2 and in the winter time he could also see the lights from the property. He also added that he felt the road infrastructure was not in place to handle the traffic from this development.

Mr. Whicker reminded Mr. Elikor that what was before the Commission today was strictly a rezoning for the property and that other factors would be considered during the development plan review stage for the site if the Hendricks County Board of Commissioners approved the rezoning. He stated that at that time, there would be another public hearing where concerns could be considered.

Mr. Elikor stated he was also concerned regarding the effect of this development on property values from zoning changes.

Mr. Whicker then added that SR 39 and I-70 were state roads and the county had no control over any improvements needed. He stated he believed improvements were slated by the State of Indiana but no timeframe could be determined from that.

Mr. Elikor concluded by adding that the county did control zoning and what decisions were made would affect property values.

Ms. Evelyn Wood of 9483 South County Road 100 East, Clayton, appeared. She stated that two sides of her property abutted the proposed rezoning site. She stated that she moved to the country for the silence and agreed with Mr. Elikor that she could hear the noise from the existing warehouse which was not as close to her property as the proposed new one would be. She stated she had privacy and property value concerns and whether it would affect her future and the market value of her home if she needed to sell. She added that the Gorman's warehouse now stood empty and that there were no warehouses on the other side of State Road 39 which made it hard for her to understand why another one was needed.

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

Mr. O'Riley expressed his concern that the remonstrators have some leverage on buffering for their property as he believed with property buffering, there might be less of an effect on property values.

Mr. Whicker stated he understood but that it was premature to engage the petitioner in such discussions at this stage of the process.

Mr. O'Riley stated he understood.

Mr. Tim Whicker asked about the small piece of property also included in the rezoning request.

Mr. Dombrosky stated that small piece on the south side of County Road 1000 had not been available for sale at the time the petitioner's property had been purchased so that they wanted now to include it in the rest of their PB zoned properties as they now owned it. He stated that small property was surrounded currently by PB zoned land.

Mr. Whicker asked for further questions or comments.

Mr. Whicker stated he had none other than he had the same concerns as Mr. O'Riley.

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Mr. Whicker stated that they were all sensitive to those concerns and as the proposal progressed, they would have an opportunity to address those issues.

Mrs. Wood commented again that she hoped to get a notice with the correct information on future meetings for this project.

Mr. Whicker commented that had been unusual and they would look into it.

Mr. Gentry assured the concerned citizens that the Commissioners would be addressing their concerns when the matter came before them at the end of the month.

Mrs. Johnston then made a motion to send a favorable recommendation and adopt the positive Findings of Fact/Law for **ZA 448/17: I-70 West, LLC**.

Mr. Brad Whicker seconded the motion.

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

Mr. Steuerwald stated that this matter would be heard by the Hendricks County Board of Commissioners across the rotunda from this meeting room on Tuesday, June 27, 2017 at 9:00 a.m. or thereafter.

Mr. Dombrosky added to the remonstrators that he would make sure their next notice of meeting would contain the correct information on the date, time and place of that meeting.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 448/17:

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 AGR to PB. 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 Hendricks County Government Center.

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 Planned Business, and it is located close to a major intersection. The proposal represents the County's Plans.

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

The Commission finds that the proposed use will not negatively impact the district due to its proximity to the development area of SR 39 and I-70, and the extensive screening requirements.

(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, as identified in the Comprehensive Plan.

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

The Commission finds that the proposal does conserve property values in the jurisdiction by responding to development requests on private property and allowing land to be used for the use identified in the County Plans.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth by locating major centers of commerce near major transportation routes and in areas identified for commercial growth in the Comprehensive Plan.

ZA 449/17: DUANE R. & PATRICIA J. LANE; a zoning amendment change from MI/Major Industrial District to LI/Light Industrial District, 10 acres, Center Township, S11-T15N-R1W, located on the south side of County Road 75 South, approximately 0.10 mile west of County Road 200 East. (Comer Law Office)

Mr. Ben Comer of Comer Law Office and Mr. & Mrs. Duane Lane were present. Mr. Comer reviewed the history and location of the property and stated the property was currently part of a larger tract zoned MI/Major Industrial. He stated that the area to the east was part of the AD/Airport District and the Hendricks County Comprehensive Plan called for this area to be high intensity or airport use. He stated their purpose for the lighter intensity zoning was to establish an outdoor/indoor self-storage facility. He added that the Lane's operated several of these facilities around the county. He stated their plans included construction of buildings and erection of fencing and also the LI zoning would allow for RV and boat storage. He stated this proposal was for a less intense use than the current MI zoning.

Mr. Whicker asked for questions or comments. There being none, Mr. Whicker opened the public hearing. There being no one signed up to be heard, Mr. Whicker closed the public hearing.

There being no further discussion, Mr. Whicker called for a motion.

Mr. Gentry made a motion to send a favorable recommendation and adopt the positive Findings of Fact/Law for **ZA 449/17: Duane R. & Patricia J. Lane.**

Mrs. Johnston seconded the motion.

FOR – 5 –

AGAINST – 0 –

ABSTAINED – 0 –

June 13, 2017

This matter would be heard by the Hendricks County Board of Commissioners on Tuesday, June 27, 2017 at 9:00 a.m. or thereafter.

The positive Findings of Fact/Law were as follows:

Hendricks County Area Plan Commission

Findings of Fact/Law
ZA 449/17:

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 MI to LI. 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 Hendricks County Government Center.

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 Industrial growth. The Light Industrial designation will serve appropriately while this area moves toward a more industrial development.

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

The Commission finds that the proposed use will not negatively impact the district due to its current zoning and the reduction in intensity that will result from the rezoning.

(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, as identified in the Comprehensive Plan.

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

The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging productive reuse of underused land near negative effect generators, and by responding to County wide demands for more land for the service industry.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth in an area identified for commercial growth in the Comprehensive Plan.

Mr. Whicker then asked if there was any further business discussion.

Mr. Dombrosky informed the members that there had been a motocross event last weekend which would have been the only one that could have been held prior to the new special event ordinance taking effect. He added that he had not heard anything negative about the event.

Mrs. Johnston stated that her only comment was that she had noticed that the dust from the event had been bad because of the windy weather but other than that she had heard that everyone at the event had a good time.

Mr. Dombrosky added that he had met with the event coordinator before the event had taken place and the discussion had been whether or not he would be required to submit a permit application.

Mr. Brad Whicker suggested that Mr. Dombrosky might want to conduct an exit discussion with the event coordinator to see how things had gone during the race.

There being no further business, the meeting was adjourned at 7:12 p.m.

Tim Dombrosky, Secretary