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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, March 10, 2020 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. Bob Gentry; Mr. Ron Kneeland; Mr. Walt O'Riley; Mr. Tim Whicker; and Mr. Damon Palmer. Members absent were Mr. Jeff Pell. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. John Ayres, County Engineer; Ms. Krista Click, Environmental Health Director; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Brad Whicker stated the first order of business was the approval of the minutes from the February 11, 2020 meeting.

Mr. Gentry motioned for approval for minutes from the February 11, 2020 meeting.

Mr. Kneeland seconded the motion with Mr. Palmer and Mr. Tim Whicker abstaining.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 2 –

**ZA 472/20: HARMANDEEP KAUR;** a zoning amendment change from GB/General Business District to PB/Planned Business Park District; 5.43 acres; Liberty Township; S25-T14N-R1W; located at 9084 S. State Road 39, Mooresville. (Moench Engineering)

Ms. Kimberly Clayton, Moench Engineering, 4000 Clarks Creek Rd, Plainfield appeared. She pointed out the parcel on the slide. She stated that they are requesting a change from GB/General Business to PB/Planned Business Park for a truck maintenance facility for over the road trucking. They wish to have 8 to 10 trucks stored outdoors and an indoor maintenance facility. The existing structures will be maintained. She noted there is an existing drive that is INDOT approved.

Mr. Brad Whicker asked if there were any questions from the plan commission.

Mr. Gentry asked about how they were going to handle any leaking antifreeze or other fluids, so it doesn't get into the water.

Mr. Brad Whicker replied that would likely be something that would be covered at the development plan review.

Mr. Ayres stated that clean water will review the development plan review so they will make sure all the that stuff is taken care of.

Mr. Palmer asked if the house and barn were staying.

Ms. Clayton replied that they were.

Mr. Brad Whicker opened the public hearing. There being no one signed up to speak, he closed the public hearing and asked if there were any further questions.

Mr. Tim Whicker asked what the main difference was between GB/General Business and PB/Planned Business Park.

Mr. Dombrosky replied that PB is more large scale, light industrial, primarily indoor operations. GB is more like a catch all for retail, general purpose commercial.

Mr. Tim Whicker asked what was driving this to be PB.

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Mr. Dombrosky stated that this was considered more of an industrial use. There are no industrial uses permitted in GB. PB is more wholesale type stuff and not a customer service type commercial.

There being no further comments or questions, Mr. Brad Whicker asked for a motion.

Mr. Tim Whicker motioned for a favorable recommendation for **ZA 472/20: Harmandeep Kaur.**

Mr. Gentry seconded the motion.

FOR – 6 –

AGAINST – 0 –

ABSTAINED – 0 –

**ZA 473/20: ROOSTER BAR, LLC;** a zoning amendment change from AGR/Agriculture Residential District and HB/Highway Business District to GB/General Business District; 8.42 acres; Marion Township; S5-T15N-R2W; located on the north side of US Highway 36 approximately one-half mile west of State Road 75. (Comer Law Office)

Mr. Ben Comer, Comer Law, 71 W. Marion St., Danville appeared. He stated that Rooster Bar, LLC was an entity of Hawkeye Storage. Hawkeye Storage owns the existing facility at 7410 W. US 36. He stated that this is similar to the previous rezoning they did for Hawkeye's other facility about a month ago. There is an adjacent track of land of almost 8.5 acres they are asking to rezone from AGR/Agriculture Residential and HB/Highway Business to GB/General Business for the purpose of expanding their existing operations. It would be used in conjunction with the existing facility under common ownership and operation. The tract has two (2) different zoning districts right now. He pointed the location of the parcel out on the slide. The road frontage section is zoned HB and the other part behind it is zoned AGR. He noted there are other parcels zoned GB as well in the area and showed them on the slide.

Mr. Brad Whicker asked if there were any initial questions before they moved onto the public hearing.

Mr. Tim Whicker asked if the field between the existing Hawkeye Storage and the parcel zoned GB was as well.

Mr. Comer replied that there was a gap in between. He stated that the GB picks back up two (2) tracts later.

Mr. Tim Whicker asked if it was zoned AGR in between.

Mr. Comer replied yes, it was.

Mr. O'Riley asked who owns the parcel with the home on it shown on the slide.

Mr. Comer stated he didn't recall the family's name. It is a separately owned tract. He stated that the petitioner was in regular contact with them.

Mr. O'Riley asked if it would effect their entrance onto their property.

Mr. Comer replied that it would not. He noted that that was the original landowners property, all part of the Vonda Doan property. He believed Ms. Doan still owns that parcel and however she has gotten back there historically still exists today. He stated that she owns the 8.4 acres in question here as well. It was all a part of one big piece of land.

Mr. Brad Whicker opened the public hearing.

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Ms. Nancy Leavitt, 120 North Street, Danville appeared. She stated that she was against the petition. She stated that she used to live in New Winchester for 34 years and still owned property there. She pointed out where her property was located on the slide. Her daughter and son-in-law live built a home there. She showed where their property was on the slide as well. Their house is on a small hilltop. Their fear is that they will lose their beautiful view and that the buildings will be unsightly. She stated that most people do not think of New Winchester as a town, but that it is a platted town. It is mostly agricultural out there and she felt that if the people were asked, most would want it to stay agricultural.

Mr. Brad Whicker stated that they have zoning in place currently to accommodate the use they are targeting. He wanted to make sure that Ms. Leavitt understood that.

Ms. Leavitt replied that she did understand.

Mr. Brad Whicker stated that for the record, there was a letter that came in today in opposition of the petition as well.

Having no one else wanting to speak, Mr. Brad Whicker closed the public hearing. He then asked if there were any closing questions for Mr. Comer.

Mr. Gentry replied to Ms. Leavitt's concerns about the view. He stated that from what he saw, it would not affect their view unless they were looking to the northwest.

Ms. Leavitt stated that they were pretty high up on a small hill that slopes down to State Road 75. She noted that he wrote a letter in opposition that they should have received.

Mr. Dombrosky stated that when he looked up the property, they would be looking across where the new expansion would be.

Mr. Tim Whicker asked if the previous rezone done for the existing facility was HB as well.

Mr. Dombrosky replied that was correct. He stated that GB allows for storage of outdoor vehicles as an exception and HB does not. They have gone here and then to the Board of Zoning Appeals (BZA) for each of these sites for the outdoor storage of vehicles.

Mr. Gentry asked if there would be an opportunity for people to speak if they don't wish to have outdoor storage there for the one they are discussing right now.

Mr. Dombrosky stated that the petitioner would have to request a special exception for the storage of outdoor vehicles.

Mr. Tim Whicker asked if the current buildings they are constructing now were special exceptions to what they have built in the past.

Mr. Dombrosky replied that what they have been building on this site are mostly for indoor RV storage. They are taller with bigger doors. They are not getting any variances for height.

Mr. Tim Whicker noted that it talks about desirable use in the comprehensive plan, being this is a mixed use development for small town community, he asked Mr. Dombrosky's thoughts on that since staff is recommending approval.

Mr. Dombrosky replied that he thought the Tucker's comments in the letter received were well-stated and not out of line. We are looking more at the historic pattern of the site being large scale commercial for quite a while. This is an expansion of that and we have historically on these sites recommended that they try to have them stay to road frontage when possible because its more appropriate along the road frontage. It is a little bit of a subjective interpretation. We are seeing self-storage more everywhere, it the towns and the county. There is clearly a demand for it.

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Mr. Palmer stated that from what he was seeing when looking at it, this would simply square up the other parcel that is already zoned GB.

Mr. Palmer motioned for a favorable recommendation for **ZA 473/20: Rooster Bar, LLC**.

Mr. Tim Whicker seconded the motion.

FOR – 6 –

AGAINST – 0 –

ABSTAINED – 0 –

**DPR 479/20: SAGAMORE READY MIX (PRIMARY);** a development plan review to establish a concrete batch plant; 10.66 acres; Liberty Township; S36-T14N-R1W; located at I-70 and State Road 39. (Banning Engineering)

Mr. Jeff Banning, 853 Columbia Road, Ste. 100, Plainfield, with Banning Engineering appeared. He stated the property is located at Interstate 70 and State Road 39. They received rezoning approval two (2) months ago. They are coming back now with the development plan. He stated they were planning on fencing in a portion of the property and creating a new entrance off of County Road 1000. The operations of the facility will be inside that area. It received a temporary use timeframe approval. They have been going back and forth with staff on what needed to be shown on the plan because of that. He noted that Rick Schoenian from Sagamore was here and could better answer any questions they may have. He showed their landscape plan. He noted that it was pretty significant in order to screen the facility. He stated that it does not meet the ordinance, but it is a lot of landscaping and they felt it met the intent. He showed a photo of what would likely be on the site, which was an office/bathroom type facility for the employees. He stated that he believed they had taken care of most of the items on the staff letter. He stated that they have been back and forth on some items with the Health Department and he wanted Mr. Schoenian come up and explain the operation a little better as he thought there might be some confusion.

Mr. Schoenian, 9170 E. 131<sup>st</sup> Street, Fishers, with Sagamore Ready Mix appeared. He stated that with the new warehouses going in around the area, they are looking to better service those customers than with their plants that are within the loop of Interstate 465 in Indianapolis. Their intent is to move a portable plant onto that site. It would not be like their typical plants that are permanently occupied and run. It would only be run when they are servicing those warehouses in the area or when they had a specific job they were running. They would not be staffing any trucks there and facility would not be manned unless there was a job being run on it. The trucks would be stored at their home plants and travel out to this plant to be loaded and delivery and then head back to their home plants for final washing at the end of the day. That is why they aren't showing any permanent parking for any of their mixing trucks on the plans. He stated that on any day that it was running, you would have mixer truck drivers, a batch man, and a loader operator on the site. He noted that the picture that was shown is the plant that they intend to move there. It is currently in Lafayette. They would have concrete bins for material storage. They would like to have the portable office with the internal bathroom, but he knows they are asking them to connect to sewage. He stated there has been some concern about a separate entrance. He noted that they are willing to do that if it is required, but in his opinion, it is just as safe to use the existing entrance.

Mr. Brad Whicker asked what happens 3 to 5 years down the road when demand is higher when there may be multiple warehouses being built at once.

Mr. Schoenian replied that with most of these warehouses, once they are pouring the slabs, its typically eight (8) or nine (9) nights of pouring.

Mr. Tim Whicker asked what the closest plant was to that location.

Mr. Schoenian replied that it was located at State Road 37 and Belmont Ave.

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Mr. Banning stated that he did not think this was the highest and best use for this property long term. He believed that when the area is developed more there will be something else there.

Mr. Tim Whicker noted that he would like to see something other than the construction trailer type they proposed on the site. He believed it would quickly become an eyesore. He suggested a prefab guard shack type facility that would look a little better in the long run.

Mr. Gentry asked if the average person could go and purchase concrete from that facility.

Mr. Schoenian stated that they would probably not batch it from that facility unless they were doing a pour that day. It would likely come from a different plant.

Mr. Gentry asked Mr. Banning if there was room for expansion there if down the road they did wish to put a permanent plant there.

Mr. Banning replied that there was 10.5 acres, so they could, but again he felt it was not the best use long term once the area is more developed.

Mr. Tim Whicker asked what the concern was about an alternative entrance.

Mr. Ayres replied that the problem is that it is a big wide-open area. The truck stop coming in on the other side of the road, the truck wash facility, cars coming in and pulling out that may or may not stop. His concern with the existing entrance is that there is a tendency for trucks not to stop as they come out. He sees a lot of potential for accidents there. That is the reasoning for asking them to move the driveway to the other location. It is a safer alternative, as it forces his drivers to stop or slow down and pay more attention. He stated that they have also asked that everything within ten (10) feet of the pavement be cleared to allow for better distance coming around the curve.

Mr. Banning pointed out the locations on the slide for reference.

Mr. Brad Whicker asked what the proposal was for sewage waste disposal.

Mr. Banning replied that it was their thought that they would have a lease agreement through Pac-Van which is the trailer company. There would be maintenance agreement with them. He understood Mr. Tim Whickers concerns, but they felt with the limited use it would get it would not be a problem.

Mr. Brad Whicker asked if the waste would then be stored onsite and pumped. He also wanted to know if for the duration of the plant if that was the more economical option rather than a permanent sewer connection.

Mr. Banning replied that was correct. He stated that they didn't believe they could get a septic system to work. The only area they could do so has been disturbed and he was unsure the state would give them a permit to put it there. The only other option is to put a grinder pump in and a force main which would have to go across State Road 39 and down a little more. It would be approximately \$30,000 because of having to cross State Road 39.

Ms. Click stated that they did look at that, but to them ten (10) years is not considered temporary. The commercial onsite sewage rule does address temporary holding tanks, but that has a limit of two (2) years. The rule states that any commercial facility that is not connected or cannot be connected to sanitary sewer must have a commercial onsite system. She stated we are kind of doing it backwards in this case. We don't know that we can get an onsite system so the option would be sewer. If they can get an onsite system, that would be great. She stated that they need to have one or the other.

Mr. Banning proposed to still work with the Health Department and staff. He asked if they could give them two (2) years to figure out what the solution would be. In the interim, they will look and see if they can get an onsite septic system to work and maybe there will be some additional development to

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make the sanitary sewer cheaper. If there is further development on their side of the road, they may not have to bore underneath.

Mr. Tim Whicker asked if they could get water with no issues.

Mr. Banning replied that they could. Citizens Water services the area.

Ms. Click stated that the temporary fix is more for when there is a problem and they are trying to hold the sewage, it's not a place to start for a solution.

Mr. Brad Whicker stated that he tended to agree with the Health Department.

Mr. Dombrosky asked if there was an idea of time proposal that can be discussed.

Mr. Banning stated he would like to get the development plan approved with contingencies. He would like to get operational. They will research sewer or septic.

Mr. Brad Whicker stated that they should be connected to city sewer or have an onsite system within 6 months of operation. He asked if that would be agreeable to the Health Department.

Mr. Banning replied that that was doable.

Ms. Click stated that it puts pressure on them to enforce if it doesn't happen.

Mr. Palmer asked what the recourse was if we allow that. He wanted to know if the county could shut them down.

Ms. Click stated she understood giving them time, but her concern was what occurs if it doesn't happen. She noted that it would be a more difficult case if they waited from the health standpoint because a lot of times their argument is about sewage on the ground.

Mr. Banning stated that they know they need to do something different than what they are proposing. They would like to have that 6-month window to get that design in and understand their options. They are committed to shutting down if they haven't solved the issue to the Health Department's standards.

There was discussion about the 6-month window and when it would start. There was some confusion as to whether it was starting from today or from the time they became operational. Mr. Banning confirmed that he was meant six (6) months from today to have a solution.

Mr. Dombrosky stated to Mr. Palmer's point that he felt it was reasonable to say that they could impose violations on them and if they are cooperative, we could take care of it. He doesn't think they will be, but the question is what we do if they are uncooperative. If they went through a zoning violation it would take another six (6) to nine (9) months for a formal enforcement action. They would pay fines and legal fees.

Ms. Click stated that her concern was the use of more county money to enforcement if they didn't comply.

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

Mr. Brad Whicker stated that the issue at hand was legal coming up with recourse if they fail to comply. They could make an approval subject to legal doing that. The other issue was the trailer, which could be handled by staff.

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Mr. Tim Whicker stated that he still had an issue with the construction trailer on the site for that length of time. He stated that there are other prefab options out there that would look better and could be painted.

Mr. Schoenian stated that they do not intend to have anything that is an eyesore.

Mr. Dombrosky stated that there were some comments. If they change the structure, then the structure wouldn't meet architectural standards. Did they want staff to review whatever new structure they have?

Mr. Brad Whicker stated that he was okay with that. He felt that staff knows what they are wanting. He said to reach out if he had any questions.

Mr. Dombrosky stated that as far as any recourse he could think of was that they do keep a maintenance bond for three (3) years on developments. He would have to talk to legal counsel first. There are very specific things that are included in that maintenance bond as far as what they could call on. He was unsure if that could be modified in any way to call up that bond if they fail to meet their commitments. It wouldn't be an enforcement action, more of a protective one.

Mr. Brad Whicker asked Mr. Banning if they were agreeable to these possible scenarios.

Mr. Banning replied that he felt it would be resolved within the six (6) months if not sooner if they are allowed that time.

Mr. Ayres asked if they had addressed all the items on the staff letter regarding the structure square footage, some data on the table, and details on the material bins.

Mr. Banning replied that they would have that resubmitted.

Mr. Dombrosky stated that he had talked to Mr. Schoenian about that a little bit because the bins will be set back off the fence.

Mr. Gentry motioned for approval of **DPR 479/20: Sagamore Ready Mix (Primary)** subject to legal and staff coming up with an acceptable resolution for recourse for non-compliance of connection to wastewater and finding an alternative acceptable as well as a better option for a trailer.

Mr. Palmer seconded the motion.

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

**MAP 744/20: WESTPOINT BUSINESS PARK (PRIMARY);** a major plat for a proposed business park; 355.84 acres; Liberty Township; S25-T14N-R1W; located at State Road 39 and Westpoint Boulevard. (Banning Engineering)

**WA 311/20: MAP 744 – WESTPOINT BUSINESS PARK;** a Waiver of the Subdivision Control Ordinance, Sec. 6.12.1.A Sidewalks, Pathways and Pedestrian Ways (Banning Engineering)

Mr. Jeff Banning, 853 Columbia St., Ste. 100, Plainfield, with Banning Engineering appeared. He pointed out the area on the slide which is located just north of Interstate 70. He stated they have cleared two areas. There is a lot of structures out there. He noted the road was built, as well as some of the ponds and drainage outlets. Over time the ground has set to what it once was, and they have come in and created a new layout, mainly because they were working around the wetlands issues. They have been working with IDEM and Core of Engineers for three (3) years on this property to get permits to make this project work. He pointed out the areas of wetlands or no-build areas on the slide. There are approximately 150 acres of the 550 acres that they cannot touch. He explained more about the permitting, noting that they run out after a period of time. The deal they worked out with Core of

Engineers and IDEM was that they would permit five (5) blocks and hold on the permitting of block six (6) because by the time they get around to that one, all the other permits will have run out. The wetlands are going to grow, and they will have to re-mitigate. He stated it has been a time consuming, costly, and confusing process since the federal government changed the rules in the middle of the process. He showed the area on the slide they are planning to do onsite mitigation for the stuff they are disturbing. There is a huge wooded area they are preserving. He stated there would be bee pollinator mound flower area around the property line. He stated that the development plan review would be submitted on Friday, with their goal to start construction in July. There is a joint venture agreement between Mr. Vaughn Wamsley and the developer, Ambrose. There will be three (3) buildings to start construction this year. The platting process gives a 2-year time frame before going away. He stated they might not construct all these buildings in the timeframe they are talking, so they might be asking for an extension. He stated that this project is 6.5 million square feet of industrial space. It is a huge project, and he has been working on it since 2013. He stated they are requesting the same sidewalk waiver to allow sidewalks on only one side that was approved when Westpoint Boulevard was built and approved.

Mr. O'Riley asked what their main reasoning was behind the request.

Mr. Banning stated it was standard in most industrial parks. They are going to commit to the sidewalk being on the outside. He pointed out the area that he was thinking they would likely dedicate and put trails, similar to what Ameriplex did.

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

Mr. Tim Whicker motioned for approval of **MAP 744/20: Westpoint Business Park (Primary)**.

Mr. Gentry seconded the motion.

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

Mr. Palmer stated that he felt if there would possibly be trails in the future, they might need to have sidewalks on both sides.

Mr. Brad Whicker stated that they had set precedent before by granting the approval, so there would need to be a compelling reason not to now.

Mr. Banning stated he didn't know of an industrial park that has sidewalks on both sides.

Mr. Palmer asked why it was in the ordinance then.

Mr. Brad Whicker replied that the ordinance is not commensurate to industrial developments.

Mr. Dombrosky stated that any time a public road is built we require sidewalks. He had hopes to have other types of development out there someday, maybe some commercial and residential serving and it would be nice to have a sidewalk. When it was first envisioned being planned, they pictured apartments, commercial and highway commercial. He could see that being valuable to the residents.

Mr. O'Riley stated that it would be beneficial to the employees of the buildings.

Mr. Dombrosky stated that he could see sidewalks on both sides in some of the areas that were longer. He noted that at some point you will have to cross the street and provisions will have to be made for that as well.

Mr. Tim Whicker asked if we could request that the sidewalks be wider to accommodate bikes if the bike path would ever connect from State Road 39.



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Mr. Dombrosky stated they could. It would be looked at more like a trail.

Mr. Gentry motioned for approval of **WA 311/20: Westpoint Business Park** subject to allowing sidewalks on one side only and requiring the increase in width to be six (6) feet.

Mr. Kneeland seconded the motion.

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

### **Transportation Plan**

Mr. Dombrosky stated that he needed direction.

Mr. Brad Whicker stated that he felt it was a commissioner decision.

Mr. Gentry stated that Mr. Ayres, Mr. Carl Camacho, Mr. Eric Wathen, Mr. Jason Love and himself had met to try and come up with some sort of compromise. What they came up with was to encourage them put more lines on the map, not take away lines. The first road to be built will be built by the Town of Pittsboro, probably. It will go all across Merritt's and Baldauf's over to Lynn Love. Then there is an option to enhance County Roads 1025 and 1000. He said it would make sense to have a huge roundabout there, that would be big enough for farm equipment. He met with two (2) of the farmers and they are not opposed to it. The secondary road he believed was 225 South, which is on the thoroughfare plan, that comes south and shows it going all the way to 136. He stated that would never happen because it goes through the steel mill. He said that he would encourage them to seek annexation into Pittsboro. They are within 500 feet of the town limit now.

Mr. Ayres replied that the gist of what they talked about was that Pittsboro has plans that probably are going to be built long before the county is going to do anything. The lines still need to be there, but they may need to be shifted. Just because it is shown there, doesn't mean that it will be constructed there. Whatever Pittsboro does is going to drive that location and it would be shifted to the south and blend back up with County Road 900 as you go back up further east.

Mr. Gentry stated Mr. Davis' family owns the land on both sides of that road. He believes that the relevancy of County Road 900 might change if these other things get done. He would encourage them to come up with a plan they like the looks of. He wouldn't be opposed to them going across the south end of his property.

Mr. Dombrosky confirmed that they were not wanting staff to do anything at this time.

Mr. Brad Whicker stated it was position that since the end decision rests with the commissioners, they should decide how to handle.

Mr. Gentry stated that was fine. He asked how we would make that formal change.

Mr. Dombrosky stated that if they wanted to make a change, they would do it the same as they handled the amendment. He just needs direction.

There being no further business, the meeting was adjourned at 8:06 p.m.

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Tim Dombrosky, Chairman