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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, August 13, 2019 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. Walt O'Riley; Mr. Tim Whicker; Mr. Jeff Pell; Mr. Bob Gentry; and Mr. Ron Kneeland and Mr. Damon Palmer. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Greg Steuerwald, County Attorney; Mr. John Ayers, County Engineer; Mr. David Gaston, County Surveyor; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

The meeting was opened with the Pledge of Allegiance. There were seven (7) members present.

Mr. Brad Whicker stated the first order of business was approval of the minutes from the June 11, 2019 meeting as well as the July 9, 2019 meeting.

Mr. Tim Whicker motioned for approval for minutes from the June 11, 2019 meeting.

Mr. O'Riley seconded the motion.

FOR – 4 –                      AGAINST – 0 –                      ABSTAINED – 3 –

Mr. Kneeland, Mr. Pell, and Mr. Gentry abstained from voting as they were not in attendance for the June meeting.

Mr. Brad Whicker stated that there was someone in the audience who wished to comment on the July 9, 2019 meeting minutes.

Ms. Jennifer Welch, 9557 S. County Road 100 E., Clayton, appeared. She wanted to go on record that she and other residents felt that the minutes were an over summary of July and June. They don't believe it was a fair representation of what was said, specifically between the majority of the residents whose property back up to complex and the new warehouse building and also, two specific residents in general who were told they would be able to work with the developer and have discussions later about a possible barrier fence being put in. She also asked for clarification that all the Plan Commission members live within the county commission areas; where they have jurisdiction over. She believed that the rules state that everyone must live within that area. She wanted to make sure none of the members live within the town limits.

Mr. Brad Whicker stated that his appointment comes through the council. He didn't believe there was any jurisdiction related issue with the council appointment, nor with Mr. Gentry's appointment, as it comes through the County Commissioners. He stated that he believed that we follow all the guidelines necessary for appropriate appointments to this body. He stated that they will look into it.

Mr. Gentry noted that there was a question he had asked Mr. Mouser that was not entered in the meeting minutes. He would like that to be added.

Mr. Gentry motioned for approval for the minutes of the July 9, 2019 meeting subject to adding the missing documentation into the minutes.

Mr. O'Riley seconded the motion.

FOR – 6 –                      AGAINST – 0 –                      ABSTAINED – 1 –

Mr. Palmer abstained from voting as he was not in attendance for the July meeting.

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**ZA 464/19: REDWOOD ACQUISITIONS;** a zoning amendment change from AGR/Agriculture Residential District to RE/Multi-Family Residential District; 22.05 acres; Lincoln Township; S6-T16-R2; located approximately 600 feet north of the intersection of E. County Road 600 North and N. County Road 900 East on the east side of the road. (Russell A. Brown, Attorney)

Mr. Brad Whicker stated that it was his understanding they were requesting a continuance.

Mr. Dombrosky replied that they were. He noted that staff had requested they send out notices to that affect. He stated that while we have no official comments from them, it was his understanding they were working with Brownsburg towards annexation.

Mr. Brad Whicker stated that if that was the route that they were headed, that they no longer request the rezoning through this body and do so through Brownsburg.

Mr. Dombrosky stated that if it was not resolved by the next meeting, that it should be either turned away or withdrawn.

Mr. Gentry motioned to continue ZA 464/19: Redwood Acquisitions until the September 10, 2019 meeting.

Mr. Kneeland seconded the motion and the vote was unanimous.

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

**MAP 743/19 (PRIMARY): GENTRY WOODS (ESTATE SUBDIVISION);** an 11-lot major estate subdivision; 82.32 acres; Center Township; S31-T16N-R1W; located on the southwest quadrant of the intersection of County Roads 200 North and 200 West. (Kruse Consulting, Inc.)

**WA 306/19: MAP 743/19 GENTRY WOODS;** a waiver of Subdivision Control Ordinance, Sec. 6.03.29 Cul-de-sac Length

**WA 307/19: MAP 743/19 GENTRY WOODS;** a waiver of Subdivision Control Ordinance, Sec. 6.12.1.B Sidewalks, Pathways & Pedestrian Ways

**WA 308/19: MAP 743/19 GENTRY WOODS;** a waiver of Subdivision Control Ordinance, Sec. 6.03.12 Permanent Cul-de-sacs

Mr. Dale Kruse, Kruse Consulting, Inc. appeared with Mr. Bill Staley and Mr. Pollard Staley. The proposed site is located at the southwest corner of County Road 200 N. and County Road 200 W. It is a proposed 11-lot estate subdivision. He stated that the name came from the cemetery in the middle of the 80 acres, which is known as the Gentry Cemetery. The pioneers of the property are buried there. There are large areas of woods throughout the property. The lot sizes range from 3 acres to 15 acres in size. Where this falls in the comprehensive plan, on the line of Center and Marion townships, it fits the low-intensity suburban subdivision. He believed this would be a good fit for the comprehensive plan. They have had a wetlands delineation done and have found there are pockets of wetlands scattered across the property. They have arranged their lots and street in such a manner that they avoid the wetland and wooded areas. They have created natural sensitive easements around the woods and wetlands areas. He stated there are 28 acres dedicated to those natural sensitive easements. They are proposing one (1) cul-de-sac. They originally had shared driveways on the first layout. They received feedback from the neighbors that the shared driveways would have headlights shine directly into their front door, so they were asked to reconsider. The ordinance doesn't allow for direct connection to County Road 200 N. by individual driveways, so to accommodate both, they have chosen to create a cul-de-sac that will service five (5) lots. He then showed the driveways for the other lots that would exit off County Road 200 W. There are two (2) shared driveways. They chose to do it that way for two reasons, one being that the Engineering Department asked them to use them when possible, and two being the terrain along the road. These locations give them the adequate site distance needed. He pointed out the cemetery, noting that it had its own dedicated easement. He stated that it doesn't have an improved driveway there.

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Mr. O'Riley asked if there was a small road to the cemetery when Mr. Kruse was referring to the easement.

Mr. Kruse replied that it was not an actual road, but a way for people to get back there. It could be a road, he believed it was approximately 12-feet wide. Currently it is just grass. He believed that someone had done improvements recently, as it is not overgrown and is being maintained.

Mr. Kruse stated that Lot 3 used to have a cabin on it. The Danville School Corporation paid to have it disassembled and moved from the property. They are going to set it up at one of the school properties and use it as log cabin exhibit. He went on to point out the wetland areas and discuss the naturally sensitive easements on the different lots. He stated that another interesting thing that had not happened to him before was that the wetland consultant asked if they would allow him to instruct a class on this property. He stated that there are plants on the property that he had never seen before and he has been doing this for 40 years.

Mr. Kruse stated that there were two (2) ways to do major subdivision in an area zoned AGR - Agriculture Residential. You can either rezone it to a classification that allows it or seek approval from the Plan Commission as an estate subdivision. When an estate subdivision is done there are separate checklists of architectural standards that the houses must meet, that are above and beyond what is required if you were to do a rezoning classification. Their thought was that with the uniqueness of the property and the mission of the developer, that the estate subdivision classification made more sense. He stated the other thing you get with this classification is a minimum square footage of 2400 sq. ft. for a single-story house and 2800 sq. ft. for a multi-story house. That is a big difference from AGR - Agriculture Residential where the minimum is 1500 sq. ft. Along the road, you get a Type 2 landscaping buffer. The developer has done two (2) subdivisions very similar to this already, one in Danville with six (6) lots and another on State Road 236 with four (4) lots. Mr. Staley's intention is to build all the houses in the subdivision. He has found a market for this and wants to fill it. Mr. Kruse then showed examples of the homes that Mr. Staley has built within the county. Two of the examples are what he has built in the other subdivisions. They range in size from 5500 to 8000 square feet with prices from the mid \$650's to slightly over \$1 million.

Mr. O'Riley asked if these examples were what they were planning on putting on the lots.

Mr. Kruse replied yes, they could be. His intent is to build something similar to those. The estate subdivision classification amps up the requirements.

Mr. Kruse then reviewed the staff comments. The first comment talked about sidewalks. They have asked for a waiver for the sidewalk requirement. There is a large culvert at the corner and there is no room to build a sidewalk without having to build a bridge across the creek. There is also a lot of the road frontage that is wooded. In order to put in a sidewalk, you would lose many of those trees. The desire is to keep as many as they can. The second comment talks about the cul-de-sac length. They have asked for a waiver on that as well. The maximum length is 600 feet in the ordinance. Theirs is a little over 800 feet. The reason for that, is because of where the north end of the farthest two (2) lots are located. That puts them at approximately 820 feet. The third comment states the cul-de-sac should not service more than 25% of the lots. They have requested a waiver on this as well. Five (5) of the eleven (11) lots would be accessed via the cul-de-sac. Staff comment number nine (9) is referring to a dedicated right of way on the south property line. He believed that with the estate subdivision request, there are some compromises. He felt that with what comes with that is a sense of being secluded. The people that are going to spend the money to purchase the lot, are not going to be excited to have a potential road put in. There is no way to make an ordinance that fits every piece of property. Each piece of property has different features that make it unique. The southern lot has a handful of those features; the wetland, the terrain, the woods. He stated they did not show a right of way because the southern lot has 100 feet of thick woods. It would decrease the value of the lot if they took those trees out to put in a right of way. He doesn't think that meets the intent they are asking for with the estate subdivision designation. He stated that he felt that the remaining comments were put in the letter to say that these are in our ordinances and you should either address them or explain why you didn't. He didn't feel that staff had a hard stance on it

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either way because it wasn't included in the direct comments. That is why he did not show the right of way on the south lot; because he feels like the mission of the development, size of the lots, the estate subdivision designation, the terrain, the buffer, the woods are ample reasons why we are asking approval of the layout as it is. He stated he felt it was all our jobs to be good stewards of the land and he believed this layout represents that. They have honored the woods, the cemetery, the wetlands, the creek. To him, that is being a good steward of the land. He stated that they have a petition signed by nine (9) of the surrounding neighbors in support of the subdivision. They sent out letters and had a meeting with them. Mr. Staley actually went door to door and spoke to them more about the project afterwards.

Mr. Brad Whicker asked if there were any questions from the Plan Commission members.

Mr. O'Riley asked Mr. Dombrosky if they would be allowed to subdivide the lots within the estate subdivision.

Mr. Dombrosky replied that there was no restriction on that.

Mr. Tim Whicker asked if they would come before the Plan Commission.

Mr. Dombrosky replied that they would.

Mr. Palmer asked for clarification on the sensitive area easement. Can that area not be improved at all.

Mr. Kruse stated that his intent in putting the easement on there was to make it an area that you could not build in. The terrain is low and wet and would probably prevent any improvements anyway. He has not thought about the language for the plat on how to restrict building within those easements. There is no language on the plat currently that states that, but that is something that could be added.

Mr. Dombrosky stated that we do not have standard language for that. We would have to craft that restrictive language, but it would be to that effect that you could not build a permanent structure in that area. It would be similar to the fluvial erosion hazard areas, like those on the back side of Prestwick.

Mr. Brad Whicker opened the public hearing.

Ms. Cathy Grindstaff, 1599 N. County Road 200 W., Danville appeared. She stated there was some history with the development of the properties along County Road 200 W. behind the Acres of Diamonds development. They put up an antenna, which then required a gravel road to get back to service it. Then someone put a warehouse up which was not allowed in the ordinance for an agricultural area. That was turned into a residence at some point, which put too many residences along a non-public road. She felt that building a road on the south side of the Gentry Woods location would be more trouble in the future. She stated that google maps already thinks that the private drive coming out of the back side of Acres of Diamonds is a road. She thinks it makes more sense to have a cul-de-sac on County Road 200 W. as well as County Road 200 N. The two (2) proposed driveways off of County Road 200 W would be coming into her drive. She believed that a conservation subdivision would be a better fit for the property instead of an estate subdivision. There is nothing that prevents the owners from removing trees from their property. She asked that a road be considered on County Road 200 West. She will have 4 houses across from her. She stated that three (3) acre lots do not impress her, when she and others have 15-17 acres in the surrounding areas to the south. She stated that when she thinks of country, she thinks big property, not big houses. She would like to see something put in, not necessarily a sidewalk, for walkability purposes. She would like to see a path put in like other developments have done.

Dr. Tracey Shafer, 1408 Manchester Drive, Danville appeared. He is the superintendent of Danville schools. He is in support of the development. He stated that there was a misconception he wanted to address was that the schools cannot handle growth. They need growth as their numbers are down from last year. This past spring, they completed a district wide demographic study. It showed that

they need new housing going in to maintain their current enrollment. It's in the best interest to have new homes. His transfers in from other districts is at an all-time high this year. People want to come here, and we need available housing to support that type of sustained growth over time. He stated that he could take 100 kids tomorrow and not have to do anything to the building as far as expanding space. This development is a great example of ways to improve assessed valuation, which lowers tax rates and it is good for the schools, taxpayers and the community.

Mr. Roy Wolf, 2098 W. County Road 200 W., Danville appeared. He stated that he knew Mr. Staley and has been around some of his developments. Personally, he feels that he is out in the country where he is located. He is in support of this plan. He wants to see more neighbors. The idea of sidewalks on County Road 200 N. is unrealistic. People drive too fast on that road now; it would be dangerous to do so. He stated that there was 500 plus acres surrounding this property, and if that was going to be developed in the future, he felt any roads needing to be put in should fall to those future developers.

Mr. Bob Sandberg, 1175 N. County Road 200 W., Danville appeared. He stated he believed the county needed quality subdivisions to help the tax base. He is a home builder as well and stated that the availability of lots in our county, as well as the surrounding counties, is down. He doesn't think that walkability is needed. He doesn't feel that it would be used. No one is walking on his roads due to the speeds people are driving.

Mr. Troy Carr, 1615 N. County Road 200 W., Danville appeared. He has lived there for 23 years and has known Mr. Staley for quite some time. He felt that Mr. Staley has put a lot of thought into the project. He believed that it would be a nice estate.

Mr. Kevin Jarboe, 1917 N. County Road 200 W., Danville appeared. He stated he moved out to the country from Indianapolis. He lives out there because he likes the surroundings, being able to see the trees. He pointed out on the map where his property is located. He stated that the development is not going to disturb any of them. He is happy it is this type of subdivision and not one that would put lots of houses into the development.

Mr. Shawn Lattz, 1887 N. County Road 200 W., Danville appeared. He is in favor of the development. He stated he would rather have 11 quality homes instead of 200. He doesn't believe that sidewalks are practical in the location. It would take a massive bridge to get over the creek in the corner if sidewalks were put in.

Mr. Brad Whicker closed the public hearing being there was no one else signed up to speak.

Mr. Gentry stated he liked the idea. He asked Mr. Kruse what the possibility of the lots being divided was.

Mr. Kruse stated that it was unlikely. The smaller lots it would be challenging to do. The driveways are placed where they are due to the hills and the terrain. The southern most lot would be the most possible to do.

Mr. Brad Whicker noted that the layout is just a suggested house placement. The septic and well locations would limit the placement of another house if subdivided.

Mr. Gentry asked about the fluvial erosion. He wanted to know if the houses will be kept far enough away from the creek. He doesn't want people to lose part of their lot due to the erosion.

Mr. Kruse stated that the naturally sensitive easements limit that. They have made it wide enough to allow for that.

Mr. Palmer asked if the cul-de-sac would be paved.

Mr. Ayres stated that it would probably be a privately maintained public right of way like they have done with some other streets. It would be not quite hot-mix street standards, but a hard surface of some sort. He noted that regarding the connection along the south side of the property, the thought was to provide some easier additional access to those lots and the surrounding properties. Initially, they thought about a road through to extend the cul-de-sac down and exit onto County Road 200 W., but it is not practical due to the wetland issues and the spacing is not enough to make that effective. The spacing from County Road 200 N. to the southern property line is about right for a connecting road at some point in the future. He stated that every property owner coming in to develop has a reason for why it shouldn't be on their property. He noted that right now the surrounding properties are under common ownership, they are separate parcels so they may not always be. There may be someone developing the parcel to the west that doesn't own one to the south so they can't get an access from County Road 200 W.

Mr. Tim Whicker motioned to approve **MAP 743/19: (Primary) Gentry Woods** with the estate subdivision designation subject to not requiring staff recommendation number nine (9) of the public right of way.

Mr. Gentry seconded the motion.

Mr. Dombrosky stated that there was a clarification needed, as an estate subdivision has the perimeter requirement to adjacent land. We would need a motion to waive Sec. 11.3K.

Mr. Tim Whicker motioned to include that waiver of Sec. 11.3K in the approval of MAP 743/19: (Primary) Gentry Woods.

Mr. Gentry seconded the motion.

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

Mr. Gentry motioned for approval of **WA 306/19**.

Mr. Palmer seconded the motion.

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

Mr. Gentry motioned for approval of **WA 307/19**.

Mr. Palmer seconded the motion.

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

Mr. Gentry motioned for approval of **WA 308/19**.

Mr. O'Riley seconded the motion and the vote was unanimous.

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

**DPR 478/19 (PRIMARY): LIZTON LODGE;** a development plan review for a new parking lot; 1.3 acres; Union Township; S32-T17N-R1W; located west of State Road 39 and south of County Road 800 North. (Bordenet Civil Engineering & Land Surveying)

Mr. Jeff Laskowski, 1392 Wyatt Way, Lizton appeared with Mr. Bordenet. He has owned the property for four (4) years. They are here to get an approval for a parking lot for the event center. The home grew over the years from hosting events; charity events, church events, school functions, etc. They have moved from that as their primary residence and feel the best use is to continue to host those types of events. They received the zoning approval a few months ago. They are proposing a parking lot that could handle up to 200 vehicles. It sits in a natural swale. There are about 800 acres of farm fields that drain through this area. Because its an asphalt lot, they are required to have a filter strip to collect anything running off the vehicles. He stated that there is already tall fescue in the area, so that will aid

that as well. They have twice the width needed to clean that. He pointed out a berm on the plans. He stated it was a requirement for a parking lot if you are near a residential area. There are two neighbors in the woods, only one of which who might be able to see a vehicle parked in the parking lot. The berm is roughly 10 feet tall and provides both a sight and sound barrier. They have completely shielded the surrounding residences from the light. He stated their lighting plan is within the requirements of the county. They are trying to stay green as best they can, by putting in 24 streetlights that are solar powered. They will be on motion sensors. They sit at 20 percent of their output through the week and basically act more like a night light. With activity they come on at full strength.

Mr. Brad Whicker asked if there were further questions from the Plan Commission members.

Mr. Brad Whicker opened the public hearing.

Mr. Gary Spencer, 7246 W. State Road 39, Lizton appeared. He believed that they were to put a gate up on the private drive so that traffic from the could not exit via that drive. He has seen cement and dump trucks coming out the private drive from the property. He believed there were covenants in place to prohibit businesses as this was a residential neighborhood. He was asking for the covenants to be relieved or taken off.

Mr. Ken Gibbs, 1380 Wyatt Way, Lizton appeared. He stated that gate is going to be going up. There will not be any traffic exiting or entering the shared drive. The gate has not been put up yet due to the drive on Wyatt Way is being reworked. He stated that the residents that were involved in the covenants all agreed and has been dissolved through the county.

Mr. Dombrosky asked when the gate was going in.

Mr. Gibbs replied that once they receive approval and can start working on the blacktop. There would be instances that himself and some others may need to utilize the private drive while there is equipment working back there. Once that is all finished, the gate would go up. He stated that is one of the reasons the addresses were changed to Wyatt Way from State Road 39 to eliminate any GPS from taking them to the facility via that private drive.

Mr. Laskowski stated that it was a minor subdivision 4 years ago when it was platted. There were 2 of them, one being the 4 homeowners in the woods. There were a set of registered covenants in place. When he found out that those covenants restricted businesses, he met with the other 2 neighbors, as he owned the other 2 homes, and they were okay with them moving forward with dissolving them.

Mr. Gentry asked Mr. Laskowski if he felt that issues would be resolved with the gate.

Mr. Laskowski replied that he believed so. He stated that the event center isn't even up and running yet. He anticipated that the gate would be up well before their first event. It will be an attractive wrought iron powered gate.

Mr. Gentry motioned for approval of **DPR 478/19: (Primary) Lizton Lodge.**

Mr. Kneeland seconded the motion and the vote was unanimous.

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

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## BUSINESS SECTION

### Industrial Architectural Standards

Mr. Dombrosky stated that he looked at other towns within the county to see what their requirements were, mainly Brownsburg and Plainfield as they have these types of buildings. Their ordinances are similar to ours. In Brownsburg, they have the option to substitute a prominent architectural feature in place of the masonry requirement. Most have something like a large glass office in the corner of the building, or some type of awning. Their landscaping requirement is the same as ours. He stated that he believed it was Brownsburg, that they don't have to have these architectural requirements as they do near residential. Plainfield is more complicated. They have multiple overlay areas; like if you are within a certain proximity of any of the major roads. The primary material has to be masonry, which is just like ours. His suggestion is to add a condition to allow at least two different textures or colors. That is essentially what we do now with our waivers. Plainfield's landscaping buffer is the same as ours as well. In some cases, they go down to a Level 2. This shows that the other surrounding towns are doing the same thing as we are with our waivers. He suggested that we modify the ordinance to read like Plainfield's. There was a consensus among the Plan Commission members to modify the ordinance.

There being no further business, the meeting was adjourned at 8:28 p.m.

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Tim Dombrosky, Chairman