

January 14, 2020

A meeting of the Hendricks County Area Plan Commission was held on Tuesday, January 14, 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. Tim Whicker; Mr. Bob Gentry; Mr. Ron Kneeland; and Mr. Jeff Pell. Members absent were Mr. Walt O'Riley and Mr. Damon Palmer. Staff members present were Mr. Tim Dombrosky, Secretary and Director of Planning; Mr. Graham Youngs, County Attorney Representative; Mrs. Suzanne Baker, Senior Planner; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Brad Whicker stated the first order of business was to amend the agenda in order to have elections for president and vice president for the new year.

Mr. Gentry motioned for approval to amend the agenda.

Mr. Kneeland seconded the motion.

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

Mr. Gentry motioned for Mr. Brad Whicker for president and Mr. Palmer for vice president.

Mr. Tim Whicker seconded the motion.

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

Mr. Brad Whicker then moved on to the approval of the minutes from the December 10, 2019 meeting.

Mr. Gentry motioned for approval for minutes from the December 10, 2019 meeting.

Mr. Kneeland seconded the motion.

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

**ZA 469/19: ARBOR HOMES;** a zoning amendment change from AGR/Agriculture Residential District to RD/Single-Family Residential District; 121.82 acres; Washington Township; S17-T15N-R1E; located at the corner of County Road 100 S. and 400 E. (Arbor Homes)

Mr. Paul Munoz, Arbor Homes appeared. He handed out a new layout that showed the revised right of way (ROW) after their discussion with the Engineering Department. He reviewed the history of Arbor Homes, stating that they build roughly 1300 homes annually. They have been family owned up until 2018, at which time they joined the Berkshire Hathaway Companies. This proposed subdivision would have 302 homes over the roughly 122 acres. There would 43 acres of open space areas with 5 of those acres being preserved as wetlands. They did perform a traffic study after their discussions with the County Engineer and the Highway Department. That study indicated that the majority of the intersections in question that were laid out, the one on the corner of County Roads 400 E. and 100 S. would be the biggest issue and have a need for improvement. They will be looking to realign that into a better intersection giving an opportunity for thoroughfare to run north-south unobstructed, and also opening up right of way as this development continues to move forward with a possible future roundabout at that intersection. They realigned things for more common area along the county roads to limit the number of home sites visible from the roadways. They believe this development addresses a need within Hendricks County as well as aligns with the comprehensive plan.

Mr. Brad Whicker opened the public hearing.

January 14, 2020

Mr. Joe Pickett, 964 S. County Road 400 E. appeared. He stated that they would be intimately affected by the development. They were drawn to the area and built a house there because of the location. They liked the ability that they can have what they want and do what they want when it suits them. They have big animals, loud cars, and a gun range at the back of their property. His concern is that those things will be affected by the strong covenants that will govern the development. He stated they have the ability now to go out at night and take care of intrusive animals on the property, to enjoy their hobbies early in the morning and late in the evening. That may impact the neighborhood. They are within earshot of the proposed development. Those things are of concern to him. They have plans to stay in the area for the next 30-40 years, so the concerns are strong within the area when they have changes coming. He understands that change is going to happen. He has a large property with a large custom-built home and would like to see things go in that are similar to what is currently there.

Ms. Jodi Dickey, 6570 E. US 36 appeared. She stated she was the Planning & Building Director for the Town of Avon (TOA). She stated that the plan commission members should have received a letter from her. She noted that this project area is within a greater annexation area that the TOA is currently pursuing. Seeing how this property will eventually be within the TOA, they are concerned with how it develops. She stated that their recent comprehensive plan highlights the area as agricultural. The proposal shown today would not meet their comp plan. It would receive a negative recommendation from the TOA staff, and she believed it would be denied by their town council.

Mr. Greg Zusan, 386 London Lane appeared. He stated that he was here in his capacity as the president of the Avon Town Council. He stated that there were council members present tonight in the audience and they are against this rezoning. He passed out a letter to the commission members and highlighted the major points. At the January 9<sup>th</sup> town council meeting, they adopted a voluntary annexation ordinance for an area of southwest Washington Township. The annexation ordinance established a zoning district as agriculture as designated by the TOA comprehensive plan and future land use map. The annexation includes parcels that have been submitted as part of the rezoning plan from Arbor Homes as part of the development Estates at Quail Run. He stated that they respectfully request that the Hendricks County Plan Commission not rezone this property since they have annexed the property and have established the zoning district as agricultural.

Mr. Brad Whicker asked Mr. Zusan to clarify for everyone what the voluntary annexation entails. He stated that from what he understood there was a remonstrance period tied to the voluntary annexation, so that the zoning issue legally lies within the county jurisdiction at this time. He asked Mr. Zusan if that was correct.

Mr. Zusan replied that he was correct. He stated that this is a process that they have been working on for the last 1-2 years. It will be published in The Republican on Thursday and there is a 90-day remonstrance period. He stated that in the past what has happened in other jurisdictions in this process, it has been very cumbersome. He thinks the key to this one is that it was a voluntary annexation. They have gotten the support and necessary votes to make this happen. In closing, what they are asking is that the plan commission agree with the staff's negative recommendation to the County Commissioners.

Mr. Dustin Stites, 4054 E. County Road 100 S. appeared. He stated that he just built a home at the corner of County Roads 400 E. and 100 S. where one of the proposed entrances would be located. He noted that he was a teacher for Avon schools, so he has been able to attend a lot of the financial meetings as well as the plans about where the growth of the schools is happening as far as construction. Three of the elementary schools are in the process of being remodeled for expansion. Sycamore Elementary is looking to expand and add six (6) more classrooms. Hickory Elementary, where he currently teaches at, will be starting construction for next year to add six (6) more classrooms. Maple

January 14, 2020

Elementary is going to be expanding from 300 to 700 students. He noted that in the petitioners submitted paperwork, they stated the property that Avon owns close to the proposed development could be future school. He stated that there is no guarantee that a school would go in there. There are many other acres that the town owns where a school could be built. He stated that they have been told as staff of the school corporation that there is no need in the foreseeable future to build a new school.

Mr. Brad Whicker clarified that he was speaking just as a staff member of the school corporation and not as a representative.

Mr. Stites replied that that was correct.

Mr. Adrian Panko, 1650 S. County Road 450 E. appeared. He reviewed the five (5) criteria that are looked at when rezoning a property and gave his thoughts on each. The first being current and future zoning. The proposed zoning amendment is being called for to put a medium density residential development in an agricultural area. The average lot size for the area is 7.45 acres, so putting 300 homes on a tenth to a fifth of an acre lot does not fit the surrounding area. He stated that the second criteria is most desirable land use. He noted that the area is rich agricultural heritage. Nine properties in the area have livestock. Four properties are currently planted with row crops and harvested each year. The next criteria is property values. He stated that it is incomparable to compare property value of houses on larger parcels to houses in a production development. The average property size in the surrounding area is 7.45 acres as previously stated and the average price per square foot of recently sold homes in the area was \$135 per square foot. If you remove the lowest of those, the average price per square foot is \$147. The average price per square foot of sold homes built by Arbor Homes in Avon was \$97 per square foot. He does not believe it is prudent to negatively impact the property owners in the area by building production homes on a large scale that sell for 30% less per square foot. The next criteria discussed was responsible growth. He stated he felt there was nothing responsible about increasing traffic and putting homes on a fifth of an acre next to horse farms, pastures with cattle and fields where farmers till, plant, fertilize and harvest their row crops. He also felt it was not responsible to increase the human and vehicle traffic in an area where tractors, grain carts, combines, and semis hauling grain and equipment are on the road daily. He also stated that rezoning and bringing in 300 new families in an area with only 21 property owners is not responsible. That would be a 15-fold increase.

Mrs. Shawn Mulinix, 1738 S. County Road 450 E. appeared. She stated the proposed development would be behind her property. She handed out a letter to the members that was written to the commissioners. She stated that they are one of the property owners in the process of voluntarily annexing into the Town of Avon. In looking at the TOA's comprehensive plan and talking more about it, they seemed to have a clear vision and nice plan for the area. It made a lot of sense to them to keep the area agricultural. She stated that she has heard that the local people should be in charge of and have a say in the growth within an area since they are more familiar with the area. She noted that the proposal just shows that. She believes that the county is not familiar with the area, and they only looked at the bare minimum of what they needed to. The traffic study says the one area, on CR 100 S. where one of the entrances will be, that it is a 2-lane road with a 40-mph speed limit. What the study does not say is that very nearby, CR 100 S. continues into Parks of Prestwick and becomes a 25-mph road lined with several driveways. They are constantly having issues of people speeding through that area. If you live in the area and are familiar with it, you realize that is not a place to add additional traffic. On another road cited in the traffic study it is listed as a 45-mph road, 2 lane, collector road. She stated that all sounds great, but what it does not show is that many of those roads have no shoulders on them. One in front of their house has a very large culvert which could use a guard rail. She had concerns of the back up on US 36 with the railroad crossing on CR 400 E. and the increased traffic that the development would bring. Past the railroad crossing there is maybe 5 car lengths before you are at US 36. With US 36 being a divided highway, if you are turning left to go to Danville, you will have to wait in the middle of the road to

January 14, 2020

complete your turn. There would be nowhere for people to go if the traffic increases that much. She believed that the traffic study was not sufficient.

Mr. Brad Whicker stated that for clarification, the county did not conduct the traffic study. That was something that the developer is required to have done.

Mrs. Mulnix replied that she understood. She did not mean to sound accusatory. She just wanted everyone to understand. In her opinion, Avon's land use plan makes more sense as more responsible growth. She believes it would be a disservice to the property owners around there, the county and the Town of Avon to change the zoning at this time. She stated she is not anti-growth but for responsible growth.

Mr. Rickey Howard, 1398 S. County Road 450 E. appeared. He stated he has horses and a donkey. The donkey can be loud, and he is concerned that would cause problems with the new development. He has lived there for twenty (20) years. He is not against change, but he likes that he can have livestock and live how he wants. He is concerned the new development might have a problem with the things that come with having livestock – i.e., the smell, noise, etc.

Ms. Sherry Buzard, 4903 E. County Road 100 S. appeared. She stated that her concern was the increased traffic. She stated that her house was up on a hill and you can't see very well to get out of the driveway. There is an issue with speeding already. She has three teenage children that are just learning to drive and fears it will be worse for them as well with increased traffic that the development would bring.

Mr. Bryan Babanic, 507 Foxboro Dr. appeared. He stated that he is the president of the HOA for Parks of Prestwick. He stated that he only has two tasks, the safety of the residents and the neighborhood and protecting their home value. After hearing about the planned development, the first thing that came to mind was the safety of the neighborhood. After looking at the traffic study done by Arbor Homes, one thing caught his attention. That was the four (4) data points they list in their study, which are the intersections they base the whole study on. The intersections at CR 200 S. and CR 300 E., CR 450 E. and CR 200 S., CR 400 E. and US 36 and CR 450 E. and 100 S. He wanted us to keep in mind the last one as that is the southernmost exit for Parks of Prestwick. He noted that Parks of Prestwick commissioned their own traffic study back in November. Their study was a single post east facing sign that ran for six (6) days from November 26 to December 2, 2019. In one direction only, they had 7,276 vehicles pass by that sign. The average speed was 31-mph which he stated wasn't too bad since it's a posted speed of 25-mph in the neighborhood. Most of the vehicles were going between 26-33 mph. but there were seven (7) vehicles going between 50-57 mph. Breaking the numbers down further, that is 1,212 vehicles a day are coming in and out of the neighborhood. Figuring that those vehicles are going to have come back home, that is 2,400 a day average per day passing by that sign. He stated that the traffic sign was centrally located within the neighborhood. He noted they were a neighborhood of three (3) individual exits. One of those was referenced in Arbor Homes' study at CR 450 E. and 100 S. as well as CR 400 E. and also their main entrance at CR 100 S. and CR 525 E. They wanted to figure out what kind of impact they have on cut-through traffic currently. To do that, they need to filter the numbers even further. He stated they were a neighborhood of 535 homes. Based on that, they can filter out some data. The homes all the way to the east in Oxford Park and Fairview Court and all the way to the west in Grant Park which accounts for 135 homes. The reason for filtering these homes out is because they are right on a main exit. It is unlikely that they will cut through the neighborhood unless there is a train. For this scenario, let's say 50% of those people got stuck by a train and are cutting through the neighborhood, which is 60 homes. Now we're at 340 homes. If you figure that each home has on average 2 vehicles, then you can figure 1,360 trips out of the neighborhood. So right now, based on the numbers you have approximately 600-1000 vehicles that are just passing through. They don't live there. There is a huge traffic issue now. Adding 300 new homes in the area would only increase the problem they have currently.

January 14, 2020

Mr. Fred Palmer, 4934 E. County Road 100 S. appeared. He has lived there for 16 years. In May of 2018 and October of 2019, the sheriff had equipment set up to remind people to slow down. He stated that equipment also counted how many vehicles were going through the process. Many years ago, the engineering department measured traffic as well as speeds people were traveling in the area. They were shocked with the results. They formed a small committee, before the HOA was established, and worked with the county. They met with the Mr. John Ayres, the county sheriff, and the county planner at that time. He stated that they haven't solved the problem, but it isn't because they haven't tried. The county has lowered the speed limit in the area and created a traffic calming island in an attempt to slow people down. It just doesn't seem to work. He stated his figures differ from ones that Mr. Babanic gave. He came up with 3,500-4,000 vehicles going through CR 100 S. in front of his house. He stated that adding to that number is not the direction they need to be headed. He felt we needed to be working together to solve the problems that we have. He stated that most people are going to take the quickest route to where they are going. They want to get there as fast as they can with as little hindrance. This plan as its laid out does not allow that to happen. He believed that the largest part of the proposed development would travel through the Parks of Prestwick. There are many people who are out enjoying the sidewalks, trails, and other amenities they have at the Parks of Prestwick. There have been three (3) accidents in the last six (6) months with property damage. His concern is that with the increased traffic they might have more accidents possibly with bodily injury.

Mr. Keith Sarbaugh, 1074 Heathrow Lane appeared. He stated he lives less than 1 mile from the proposed development. One of his initial thoughts was about public safety, and not from the angle of traffic, but from public safety services from fire and EMS. He stated that he had done some research. The national standard for a fire and EMS call is six (6) minutes. He stated that the average call for Washington Township is six (6) minutes and thirty (30) seconds, so they are not performing at average today. In 2019, they made 675 more runs than in 2018. That is a growth of more than 13% without adding staff, equipment or stations. He believes that Avon has a lot more residential tax base than other tax bases. Adding 300 more homes is going to tax public safety services that are already under immense pressure.

Mr. Brad Whicker closed the public hearing.

Mr. Munoz gave his closing remarks. He stated that they approached the county back in January 2019 when they started the process and started the looking at properties between the Danville and Avon area. They have had the properties on contract since then. They have been working with them in trying to find ways to develop this that was responsible growth based on the county's comprehensive plan. He believed the traffic study was impactful for future growth. He stated that there is much more dynamics and long-range planning that goes into that than even the average engineer could figure out. The intersection at CR 100 S. and CR 400 E. they had agreed to make improvements to the area to help with the flow of traffic. He stated as far as adjacent property uses, they have within their covenants and restrictions, language that spells out that the new homeowners are coming in second to existing property uses. They would have to take into consideration what is going on around when they are purchasing the lot. All of their sales reps make sure they explain this as part of the process when there are adjacent uses that they buyers need to be made aware of. According to the housing study performed by the county economic development arm there is dire need for this type of housing in this range in the county.

Mr. Brad Whicker asked if there were any further questions or comments from the plan commission members or staff.

Mr. Ayres stated there are a lot of different interpretations of a traffic study. A lot of it is a guessing game of what direction the traffic is going to take. He believed the number in the study of the prediction of what would go through the Parks of Prestwick might be low. It's more of judgement call on the part of their traffic engineer than on us as to how we interpret that. He noted that his immediate concern was what was happening at that intersection of CR 100 S. and CR 400 E. There were six (6)

intersections studied. Five (5) on CR 400 E. and CR 450 E. and one (1) at the intersection of CR 300 and CR 200 S. The effect over there was minimal, but they like to look at where it's going to be distributed. Mr. Munoz addressed the issue of improving the one intersection. He stated that he is not sure what that needs to look like in the long run. If this were to be approved, he would like to see CR 400 E. extended all the way straight south at some point. The tricky part would be how to make that intersection work out. It would need to be worked out.

Mr. Brad Whicker asked if there was a motion.

Mr. Gentry motioned for an unfavorable recommendation.

Mr. Kneeland seconded the motion for an unfavorable recommendation and the vote was unanimous.

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

**ZA 470/19: SAGAMORE READY-MIX, LLC;** a zoning amendment change from HB/Highway Business District to MI/Major Industrial District; 10.66 acres; Liberty Township; S36-T14N-R1W; located at the southeast quadrant of the intersection of I-70 and State Road 39 at 10345 S. State Road 39, Clayton. (Comer Law Office)

Mr. Ben Comer, 71 W. Marion Street appeared. He noted that Mr. Butch Knuckles and Mr. Rich Shonen were in the audience to answer any questions. They are wanting to ask for the zoning change from Highway Business to Major Industrial for the purpose of a concrete production facility. He stated that the site is interesting in that the entire exit area is having lots of construction and development occurring now and in the near future. They consider this a support type use to what is happening currently and over the next several years. The staff report references a study done in 2007 relating to where a concrete facility could be located around that exit, so the issue has been on the table for a while. The immediate area around the area is commercial. He noted another good thing is that there would be very little impact to the county roads. That is one of the criteria in the study that mentions is the impact on county roads. He stated that they would work with the county as far as where the entrance would be best located. He stated that the study looked at several things; impact to county roads, maximize travel on State Road 39 and I-70, maximize proximity to the interchange, minimize visibility, and minimize proximity to residences. He stated one thing that they want to offer to the county as a commitment that may help is to limit the time it will be there. This site is what is considered conditionally suitable within the terms of the study. They will limit the use to ten (10) years. He stated that a development plan is going to be required so that address the issues of buffers, landscaping and screening etc. He stated between the development plan and the time limit, he felt good about presenting this site as a good location for the project. He then read the commitment plan to the members.

Mr. Brad Whicker stated that it was similar to a deed restriction.

Mr. Comer replied that that was essentially what it was. It is in a different form. It is like a restrictive covenant more or less.

Mr. Brad Whicker stated that since the plan commission members as well as staff may change in that time frame, he wanted to make sure it was something that this body doesn't have to police.

Mr. Youngs stated that it might be better to change the wording to state that after the time is up, that the parcel reverts back to a specific zoning classification.

Mr. Dombrosky stated that he thought there needed to be an automatic trigger instead of relying on someone to police it.

January 14, 2020

Mr. Brad Whicker opened the public hearing.

Ms. Bonnie Silsman-Inman, 11311 N. Creekside Dr. appeared. She stated that most of her concerns had been addressed. She serves on the Monrovia Town Council. She wanted to ask everyone to consider the entrance location. In the morning there is a lot of traffic there with school buses on CR 1000 S. If there is an accident on I-70, there is more semi traffic as well. She stated that there are many accidents due to speeding around the curves on that road also.

Mr. Brad Whicker closed the public hearing.

Mr. Comer stated that they would work closely with the county as far as placing the entrance in an appropriate location.

Mr. Brad Whicker stated that he felt the motion should include the commitments Mr. Comer spoke about.

Mr. Dombrosky stated that they would include any specific language in the commissioners meeting.

Mr. Gentry motioned for a favorable recommendation.

Mr. Tim Whicker seconded the motion.

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

Mr. Dombrosky stated that he included the transportation plan as the commissioners saw to amend it as well as their meeting minutes where it was discussed. If the plan commission agrees with those changes, then they could vote to accept those changes. If they don't agree, then it will go back to the commissioners. He stated that he agrees with it. He wanted to add that there has been a lot of discussion about some proposed road extensions. The plan shows multiple connections where segments of road are missing between county blocks. As would be prudent for us to connect those to improve connections, those are proposed best practice type things if and when it comes time to do any improvements. The road would be designed using the best design which would not include demolishing houses.

Mr. Gentry motioned to accept the amendment changes.

Mr. Pell seconded the motion.

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

Mr. Dombrosky then talked about the year-end stats he had handed out for their review. He noted that you could see trends in the rezoning. It is not a complete picture because it doesn't take into account all the towns. We did do a little more in business rezoning than in residential.

Mr. Gentry stated that he has met with two (2) different people at their request. One was regarding a housing addition and one was regarding the proposed road extension. He wanted to make it known he was not acting on behalf of plan commission but was asked to be there.

There being no further business, the meeting was adjourned at 8:02 p.m.

---

Tim Dombrosky, Chairman