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A meeting of the Hendricks County Area Plan Commission was held on Tuesday, April 12, 2022, 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; Mr. Damon Palmer; Mr. Bob Gentry; Mr. Ron Kneeland; Mrs. Margaret Gladden; Mr. Walt O'Riley; and Mr. Tom Whitaker. Staff members present were Mr. Ryan Robling, Senior Planner; Mr. John Ayres, County Engineer; Mr. Graham Young, County Attorney Representative; and Mrs. Brandy Swinford, Recording Secretary.

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

Mr. Whicker stated that the first order of business was to approve the minutes from the March 8, 2022 meeting.

Mr. Gentry motioned for approval of the minutes from the March 8, 2022 meeting.

Mr. Whitaker seconded the motion. Mr. Palmer and Mr. Whicker abstained.

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

ZA 494/22: D.R. HORTON; a zoning amendment change from AGR to RB; 115.21 acres; Liberty Township; S06-T14N-R1E; located on the west side of County Road 400 E. between E. US Highway 40 and County Road 600 S. (John Moore)

Mr. Ryan Robling presents. He reviews the current and surrounding zoning, the location, the comprehensive plan, and finding of facts summary. The conceptual site plan was shown on the slide. They are proposing 127 sites with a minimum lot size of 12,500 square feet with two ponds and 53 acres of preserved wooded area. There was a concern that this leapfrogging development could create issues for infrastructure and environmental and traffic concerns. Staff was proposing two (2) conditions if the zoning should be approved. The first seeks to ensure that the wooded portion of the property is maintained in perpetuity. The second seeks to ensure that the list of commitments submitted by the petitioner are properly recorded prior to future development/petitions on the site. Staff does not believe the petition complies with the comprehensive plan and was recommending a negative finding of fact.

Mr. John Moore, 50 S. Meridian Street, Ste. 700, Indianapolis was present. He noted that Mr. Bob Staton, Banning Engineering; Mr. Matt Dunn, Mr. Mark Bridwell and Mr. Greg Kleiss, D.R. Horton, were present in the audience as well. He reviewed the changes with this petition from the previous one. They are seeking to RB instead of RC previously. That change increases the minimum lot size, lot width, home square footage, as well as selling price. The density changes from 1.36 to 1.1. He reviewed recent home sales in the Lakewood Estates subdivision and the sale price of the new development falls in line with surrounding home sales. They have made changes at the request of the Lakewood residents to have no homes backing up to County Road 400 E. as well as additional architectural commitments they requested. He reviewed those along with the landscaping plan and amenity areas. He noted that the comprehensive plan was done in 2006 and did not contemplate where we were today. He felt that their requested zoning of RB met the comp plan. He did not feel that it was a leapfrogging residential development. He stated the site was surrounded on three (3) sides by residential development. He noted that the site would be connected to Plainfield sewer and water. He reviewed and discussed population growth from 2010 to present. The traffic study was shown and discussed, noting that INDOT's response from March 24th stated that the study findings were acceptable. He noted that there was a couple of bridges that were located on CR 400, one of which the county had replaced. The repairs needed to bridge to the north of the development were not caused by this development. He stated that D.R. Horton had tried to run some numbers and they were going to contribute \$200,000 towards the bridge repair. He stated that equates to was roughly a \$1600/per lot contribution. He noted that they also were in agreeance with the staff's conditions of approval.

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Mr. Whicker stated that he believed the demand was real. He felt that the facts and figures were mostly correct, noting that he does not agree with the population numbers Mr. Moore presented. He felt the compromises the petitioner made were very real. He noted that he disagreed with staff about the leapfrogging development.

Mr. Palmer asked if their proposed commitments meet the requirements.

Mr. Robling stated that they met or exceeded the ordinance.

Mr. Palmer asked what the density is on the developed area, not using the preserved area.

Mr. Moore replied it was less than two (2).

Mrs. Gladden noted that they talked about the population numbers and the need for housing. She asked how they were going to feed the people that "need" these homes if they keep taking the agricultural land away. She stated that they needed to think about that.

Mr. Moore replied that they would still have the same number of people to feed regardless of where they live.

Mr. O'Riley asked what the lot sizes would be.

Mr. Moore replied that they would be anywhere from 12,500 to 27,000 square feet.

Mr. O'Riley noted that he was impressed with the changes, and he agreed with the need for housing.

There was discussion about the fire territory and how this development would pay for the taxes.

Mr. Whicker stated that there would not be a tax rate now until the fire territory is formed. If there was an accident, then Plainfield would likely be the ones to respond.

Mr. Ayres asked if they would like him to discuss the traffic issues.

Mr. Whicker agreed that he would.

Mr. Ayres noted that INDOT did not find enough of an additional traffic load at the intersection to warrant an objection or require any improvements. He read part of the email from INDOT not discussed previously. He noted that the culvert repair was not on their plan for the near future and would have to be pushed ahead if this development was to go forward. He disagreed with the cost presented by Mr. Moore and felt it would be closer to the \$400,000 range. He stated he did not get that in the staff letter, but if the project was to move forward, he would request that they fund that replacement.

Mr. Whicker opened the public hearing.

Mr. John Haley, 4209 Lakewood Trails was present. He disagreed with the traffic study and asked when the counts were taken. He appreciated the changes that have been made but did not feel that enough had changed from the previous petition. He was also concerned with the retention ponds and did not want that to drain into their lake.

Mr. Whicker noted that some of his concerns would be addressed later with the development plan review. Tonight's petition dealt with the zoning only.

Mr. Tom Ollier, 4046 Lakewood Court was present. He stated that he was a past HOA president and vice president and has lived in the subdivision for the last 30 years. He also felt that the changes did

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not go far enough and felt that 100 homes would be better. He was not impressed with the traffic study and did not agree with it. He was concerned with the safety issue of having so many homes close together. He asked about the traffic detours and how long the closure for the culvert repair would be. He agreed that they would be losing very valuable farmland. He was concerned with the impact on the wildlife. He did not understand why the petitioner was not made to provide drainage plans at this time.

Mr. Whicker explained the process of how the county handles these petitions.

Ms. Christy Swearingen, 4046 E. County Road 601 S. was present. She has lived there for 23 years. She is also a realtor and she stated she disagreed with the price range that Mr. Moore had discussed previously. She felt that the lot sizes needed to be larger. She also has concerns about the increased traffic. She will have a teenage driver and is concerned with the safety of so much traffic and the possibility of adding more teenage drivers to the mix with the development.

Mr. Whicker then closed the public hearing.

Mr. Moore addressed some of the concerns heard. He noted that the traffic study was done during AM peak hours and PM peak hours and meets INDOT's requirements. The water concerns will be addressed with the development plan review and drainage calculations he noted as Mr. Whicker had stated previously. He noted that there are strict requirements they must meet for that. He felt that the 1.1 units per acre was low and did not feel they needed half acre lots. He stated that the land use plan designates this area as residential, so he felt that it was appropriate.

Mr. Whicker noted that he was in support of the petition. He felt the changes made went a long way in his view.

Mr. Gentry discussed the emergency services concerns.

Mr. Palmer asked when the traffic study was done.

Mr. Matt Dunn replied that it was done in September of 2021.

Mr. Ayres noted that they do counts within a 24-hour period.

Mr. Palmer asked if there would be a difference between 2021 versus a non-covid average traffic flow.

Mr. Ayres replied that he did not see a significant difference.

Mr. Palmer noted that he was concerned with the traffic. He stated that they were increasing housing by 60% by his count and most of that traffic would likely flow to US 40. He felt that they had the opportunity with this zoning change to influence how it is developed and make the new community fit with what is there now.

Mr. Whicker motioned for a favorable recommendation of **ZA 494/22: D.R. Horton** with the acknowledgment of the \$200,000 commitment for bridge repair.

Mr. O'Riley seconded the motion. Mr. Kneeland, Mrs. Gladden, Mr. Whitaker, and Mr. Palmer voted against.

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

Mr. Palmer motioned for an unfavorable recommendation of **ZA 494/22: D.R. Horton**.

Mr. Whitaker seconded the motion. Mr. O'Riley, Mr. Gentry and Mr. Whicker voted against.

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FOR – 4 –

AGAINST – 3 –

ABSTAINED – 0 –

ZA 496/22: MEME & DAH, LLC; a zoning amendment change from RB to AGR; 31.53 acres; Washington Township; S35-T16N-R1E; located between State Road 267 and County Road 800 E. on the north side of County Road 100 N. (Comer Law Office)

Mr. Robling presents. He reviewed the location, current and surrounding zoning, comprehensive plan, and finding of facts summary. The petitioner is seeking the rezone to allow for the expansion of their wedding barn business. Staff was recommending a positive finding of fact.

Ms. Amy Comer Elliott, Comer Law Office, 71 W. Marion Street, Danville was present. She wanted to add that the lower density use would preserve that floodplain that was noted several times in the staff letter. There had been a previous petition for this parcel that was for 30 lots. That could still happen under the current zoning, so the change to the AGR zoning classification helps to preserve the open space and floodplain area. She gave a brief history of the wedding barn. The previous owners went for a special exception that was limited to the Dragon family. When the Wheeler family purchased the business, they went before the BZA and were granted approval and have adhered to the same commitments as the previous owners. The business operates during non-peak hours. She stated that there was currently a traffic study being done to address some of Mr. Ayres traffic concerns. They would hopefully have the results by the BZA meeting next month. She noted that they had held a neighborhood meeting 10 days ago with about a dozen neighbors in attendance.

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

Mr. Gentry motioned for a favorable recommendation of **ZA 496/22: Meme & Dah, LLC.**

Mr. Whitaker seconded the motion.

FOR – 7 –

AGAINST – 0 –

ABSTAINED – 0 –

MAP 751/22: JMF ACRES (PRIMARY); a 3-lot major plat; 20.057 acres; Middle Township; S19-T16N-R1E; located 1/8 mile south on N. County Road 400 E. from intersection of E. County Road 400 N. on the west side of the road (Kruse Consulting)

Mr. Robling presents. He reviewed the location, current and surrounding zoning, comprehensive plan, and finding of facts summary. He showed a site plan and noted that this was an estate subdivision classification. That classification would require additional requirements. Lot 3 is currently developed with a single-family home. Lot 1 and 2 are being subdivided in expectation of future development. Staff was recommending approval.

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

Mr. Dale Kruse, Kruse Consulting, 7384 Business Center Drive, Avon was present. He reviewed the staff comments and further explained the estate subdivision requirements. He showed the plans on the slide. He noted that the three (3) lots would share a driveway so there would only be one cut to the county road.

Mr. Palmer asked who was responsible to maintain the drive.

Mr. Kruse stated that the landowners would be. They would have a maintenance agreement in place before the recording of the plat.

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Mr. Gentry motioned for approval of **MAP 751/22: JMF Acres**.

Mr. Whitaker seconded the motion.

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

MAP 738/22: DORSEY COMMERCE PARK (REPLAT); a 2 -lot major plat replat; 5.99 acres; Center Township; S32-T16N-R1W; located at 1240 N. State Road 236 (Kruse Consulting)

Mr. Robling presents. He reviewed the location, current and surrounding zoning, comprehensive plan, and finding of facts summary. It was originally designed as a major subdivision which would be platted as new developments were proposed in 2017. Lot 1 was split in 2018 and Lot 2 is being created out of the remaining block. It was previously approved with a waiver for sidewalks. Staff was recommending approval.

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

Mr. Kruse was present. He explained the history of the major plat.

Mr. Gentry motioned for approval of **MAP 738/22: Dorsey Commerce Park**.

Mr. Palmer seconded the motion.

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

DPR 505/22: HAWKEYE STORAGE/SR 236 (PRIMARY); a development plan review for a new storage facility; 5.99 acres; Center Township; S32-T16N-R1W; located at 1240 N. State Road 236 (Kruse Consulting)

Mr. Robling presents and reviews the modifications they were requesting. He noted that staff was recommending approval.

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

Mr. Gentry motioned for approval of **DPR 505/22: Hawkeye Storage/SR 236 (Primary)**.

Mr. O'Riley seconded the motion.

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

There being no further business, the meeting was adjourned at 8:26 p.m.